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# foreigner

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Tuesday  
May 5, 1992

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# Federal Register

Tuesday  
May 5, 1992

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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** May 28, at 9:00 a.m.
- WHERE:** Office of the Federal Register.  
First Floor Conference Room.  
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.
- DIRECTIONS:** North on 11th Street from Metro Center to corner of 11th and L Streets

### BOSTON, MA

- WHEN:** May 27, at 9:00 a.m.
- WHERE:** Room 419  
Barnes Federal Building  
495 Summer Street  
Boston, MA
- RESERVATIONS:** Call the Federal Information Center, 1-800-347-1997

### CHICAGO, IL

- WHEN:** June 16; 9:00 a.m.
- WHERE:** Room 328  
Ralph H. Metcalfe Federal Building  
77 W. Jackson  
Chicago, IL
- RESERVATIONS:** Call the Federal Information Center, 1-800-366-2998



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# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 92-NM-76-AD; Amendment 39-8247; AD 92-10-13]

#### Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes. This action requires a revision to the Airplane Flight Manual (AFM) which specifies that autothrottles must be disconnected if engine surge (stall) is detected during takeoff. This amendment is prompted by the ongoing investigation following an accident involving a Model DC-9-80 series airplane, which has revealed that apparently the digital flight guidance computer (DFGC) can incorrectly detect an engine surge or stall as being an engine failure, and cause the autothrottles to unclamp and advance the thrust levers during takeoff. The actions specified in this AD are intended to prevent automatic thrust lever advance on a surging engine during takeoff, which could cause engine failure.

**DATES:** Effective May 20, 1992.

Comments for inclusion in the Rules Docket must be received on or before July 6, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-76-

AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Webre, Los Angeles Aircraft Certification Office, ANM-160L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5364; fax (310) 988-5210.

**SUPPLEMENTARY INFORMATION:** The ongoing investigation of an accident involving a Model DC-9-80 series airplane has revealed that apparently the digital flight guidance computer (DFGC) can incorrectly detect an engine surge or stall as being an engine failure, and cause the autothrottles to unclamp and advance the thrust levers to the go-around thrust setting during takeoff. Advancing the thrust levers on a surging engine may hinder surge recovery. Automatic thrust lever advance on a surging engine during takeoff, if not corrected, could result in engine failure and complete thrust loss.

Since an unsafe condition has been identified that is likely to exist or develop on other McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes of the same type design, this AD is being issued to prevent automatic thrust lever advance on a surging engine during takeoff, which could cause engine failure. This AD requires a revision to the Limitations Section and the Procedures Section of the Airplane Flight Manual (AFM), which specifies that autothrottles must be disconnected if engine surge (stall) is detected during takeoff.

The requirements of this rule are considered interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-76-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency



regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-10-13. McDonnell Douglas: Amendment 39-8247. Docket 92-NM-76-AD.

Applicability: Model DC-9-80 series airplanes and Model MD-88 airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent engine failure during takeoff, which could cause engine failure, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

#### "Limitations Section

Autothrottles must be disconnected if engine surge (stall) is detected during takeoff."

(b) Within 30 days after the effective date of this AD, revise the Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

#### "Procedure Section

##### Caution

During takeoff, the DFEC engine failure logic is armed if (1) the flight director pitch axis is in takeoff mode, (2) the aircraft is above 400 feet radio altitude, and (3) both engine EPRs are below the go-around EPR limit. If the DFEC detects an EPR drop greater than or equal to 0.25 EPR and 7% N<sub>1</sub> from the same engine, as compared to the other engine, the engine failure logic is

satisfied and the DFEC will change the Thrust Rating Panel (or indicator) thrust limit to Go-Around (GA). This will cause the autothrottle system to unclamp and enter normal EPR limit (EPR LIM) mode where the throttles will maintain the higher engine EPR at the selected go-around thrust rating EPR LIM. Such an EPR and N<sub>1</sub> drop may also result from an engine surge (stall). Advancing thrust levers on a surging engine will hinder surge recovery and may result in eventual engine failure.

If an engine surge (stall) is detected during takeoff:

- (1) Disconnect autothrottles.
- (2) Reduce thrust on affected engine (idle if necessary).
- (3) Shut down the affected engine if surging and popping continues.
- (4) If affected engine surging or popping stops, accomplish the following:
  - A. Place ignition switch to CRD START & CONTIN.
  - B. Place ENG Anti-Ice switches to ON.
  - C. Place PNEU X-FEED VALVE lever OPEN on affected side.
  - D. Place AIR FOIL Anti-Ice switches ON.
  - E. Advance affected throttle slowly.
- (5) If engine surging or popping returns, turn the ENG Anti-Ice switch OFF.
- (6) After normal operation has been established, the autothrottles may be re-engaged.

Note: A NO MODE light may be annunciated due to abnormal bleed configuration."

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) This amendment becomes effective on May 20, 1992.

Issued in Renton, Washington, on April 23, 1992.

James V. Devany,  
Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.  
[FR Doc. 92-10401 Filed 4-14-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ASO-1]

Designation of VOR Federal Airways; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

#### 14 CFR Part 71

[Airspace Docket No. 91-ASO-1]

Designation of VOR Federal Airways; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates Federal Airways V-509 and V-511

located in southern Florida. These new airways will improve the north/south flow of traffic. These airways will be designated in areas where aircraft are presently given radar vectors to shorten their departure/arrival time in the Miami, FL, area. This action will save fuel and will expedite traffic in that area.

EFFECTIVE DATE: 0901 U.T.C., June 25, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

#### SUPPLEMENTARY INFORMATION:

##### History

On June 10, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to designate V-509 and V-511 located in southern Florida (56 FR 26626). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. VOR Federal airways are published in Section 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The designation of the airways listed in this document will be published subsequently in § 71.123 of the Handbook.

##### The Rule

This amendment to part 71 of the Federal Aviation Regulations designates V-509 and V-511 in southern Florida. These airways are designated in areas where aircraft are presently given radar vectors. The designation of these airways will improve the north/south flow of air traffic to shorten their routes and eliminate en route delays in the Miami, FL, area. This action will save fuel, expedite traffic, and reduce controller workload.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT



Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71, as follows:

#### PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

#### Section 71.123 Domestic VOR Federal Airways

\* \* \* \* \*

#### V-509

From St. Petersburg, FL; to INT St. Petersburg 111° and Lakeland, FL, 142° radials.

\* \* \* \* \*

#### V-511

From Lakeland, FL; INT Lakeland 142° and Biscayne Bay, FL, 329° radials; to Biscayne Bay.

\* \* \* \* \*

Issued in Washington, DC, on April 23, 1992.

Alton D. Scott III,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-10307 Filed 5-4-92; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 73

[Airspace Docket No. 92-AWP-4]

#### Removal of Restricted Area R-2518; Castle Rock, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action removes Restricted Area R-2518, Castle Rock, CA. A review of the utilization data revealed that the restricted area was not used during the last three years. The Navy submitted a proposal to remove the restricted area.

**EFFECTIVE DATE:** 0901 u.t.c., June 25, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Linda Ullom, Military Operations Program Office (ATM-420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-7683.

#### The Rule

This amendment to part 73 of the Federal Aviation Regulations removes Restricted Area R-2518, Castle Rock, CA. R-2518 is a circular area with a 300 yard radius off the northern tip of San Clemente Island. Designated altitudes are surface to 2,000 feet mean sea level. A review of the annual utilization reports revealed that this area was not used during the last three years. The Navy submitted a proposal to disestablish the area. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action returns restricted airspace to public use and constitutes a minor technical amendment in which the public would not be particularly interested. Section 73.25 of part 73 of the Federal Aviation Regulations was republished in FAA Handbook 7400.8 effective November 1, 1991.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 73 of the Federal

Aviation Regulations (14 CFR part 73) is amended, as follows:

#### PART 73—SPECIAL USE AIRSPACE

1. The authority citation for 14 CFR part 73 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; 1522; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

#### § 73.25 [Amended]

2. § 73.25 is amended as follows:  
R-2518 Castle Rock, CA [Removed].

Issued in Washington, DC, on April 23, 1992.

Alton D. Scott III,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-10309 Filed 5-4-92; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 73

[Airspace Docket No. 91-AWP-20]

#### Amendment to Time of Designation for Restricted Area R-2533; Oceanside, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action amends the time of designation of Restricted Area R-2533, Oceanside, CA, from "Continuous" to "0600 to 2400 daily; other times by NOTAM." This will more accurately reflect usage and, at the same time, release airspace to the public.

**EFFECTIVE DATE:** 0901 u.t.c., June 25, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Linda Ullom, Military Operations Program Office (ATM-420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-7683.

#### The Rule

This amendment to part 73 of the Federal Aviation Regulations amends the time of designation of Restricted Area R-2533 Oceanside, CA. The present time of designation is "Continuous." The Marine Corps submitted a proposal to amend the time to "0600 to 2400 daily; other times by NOTAM." This will more accurately reflect usage and, at the same time, release airspace to the public. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical



amendment in which the public would not be particularly interested. Section 73.25 of part 73 of the Federal Aviation Regulations was republished in FAA Handbook 7400.8 effective November 1, 1991.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR part 73) is amended, as follows:

#### PART 73—SPECIAL USE AIRSPACE

1. The authority citation for 14 CFR part 73 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; 1522; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 369; 49 U.S.C. 106(g); 14 CFR 11.69.

#### § 73.25 [Amended]

2. § 73.25 is amended as follows:  
R-2533 Oceanside, CA [Amended].

By removing the existing time of designation and substituting the following:

Time of designation. 0600 to 2400 daily; other times by NOTAM.

#### § 271.101 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for May, June and July 1992, in Tables I and II.

Issued in Washington, DC, on April 23, 1992.

Alton D. Scott III,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 92-10312 Filed 5-4-92; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM80-53]

#### Maximum Lawful Price and Inflation Adjustments Under the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; order of the Director, OPPr.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(c)(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices (MLPs) prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of May, June and July 1992. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the MLPs before the beginning of each month for which the figures apply.

EFFECTIVE DATE: May 1, 1992.

FOR FURTHER INFORMATION CONTACT: Garry L. Penix, (202) 208-0622.

#### Order of the Director, OPPr

Issued April 29, 1992.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires the Commission to compute and make available maximum lawful prices (MLPs) and inflation adjustments prescribed in title I of the NGPA prior to the month the figures apply to.

Pursuant to this requirement and the authority delegated in § 375.307(c)(1) of

the Commission's regulations, the Director of the Office of Pipeline and Producer Regulation, is publishing MLPs and inflation adjustment factors for May, June and July 1992. MLPs and inflation adjustment factors for periods before May 1992 are contained in tables in §§ 271.101 and 271.102 of the Commission's regulations. Table I of § 271.101(a) specifies the MLPs for gas under NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the MLPs for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors.

The quarterly percentage change in the gross domestic product (GDP) implicit price deflator published on April 28, 1992, was used in computing the MLPs and inflation adjustment factors for May, June and July 1992. The gross national product (GNP) specified in the NGPA wasn't used since the Department of Commerce states the next change in the GNP won't be published until June 1992. When the GNP is published, revised prices and inflation factors for May, June and July 1992 will be published, if necessary.

The Director notes that no changes to the MLPs and inflation adjustment factors for February, March and April 1992, which were computed with the GDP implicit price deflator, are necessary. After the GNP was published, it was found that MLPs and inflation factors for February, March and April 1992, computed using the GNP, were identical to those computed using the GDP.

#### List of Subjects in 18 CFR Part 271

Natural gas.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation.

1. The authority citation for part 271 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

TABLE I—NATURAL GAS CEILING PRICES

[Other Than NGPA Sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			May 1992	June 1992	July 1992
B	102	New Natural Gas, Certain OCS Gas <sup>1</sup>	\$6.615	\$6.654	\$6.693
C	103(b)(1)	New Onshore Production Wells <sup>2</sup>	3.836	3.846	3.856
E	105(b)(3)	Intrastate Existing Contracts	6.180	6.212	6.244



TABLE I—NATURAL GAS CEILING PRICES—Continued  
[Other Than NGPA Sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			May 1992	June 1992	July 1992
F.....	106(b)(1)(B).....	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas <sup>3</sup> ...	2.194	2.200	2.206
G.....	107(c)(5).....	Gas Produced from Tight Formations <sup>4</sup> .....	7.672	7.692	7.712
H.....	108.....	Stripper Gas.....	7.086	7.128	7.170
I.....	109.....	Not Otherwise Covered.....	3.173	3.182	3.191

<sup>1</sup> Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) was deregulated. (See Part 272 of the Commission's regulations.)

<sup>2</sup> Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 was deregulated. (See Part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.

<sup>3</sup> Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas was deregulated. (See Part 272 of the Commission's regulations.)

<sup>4</sup> The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The incentive ceiling price does not apply to certain gas after May 12, 1990, as a result of Commission Order No. 519-A. (See § 271.703 of the Commission's regulations.)

TABLE II—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(A) (SUBPART D, PART 271)

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries in—		
	May 1992	June 1992	July 1992
Post-1974 gas: <sup>2</sup> All producers.....	\$3.173	\$3.182	\$3.191
1973-1974 Biennium gas:			
Small producer.....	2.675	2.682	2.689
Large producer.....	2.053	2.059	2.065
Interstate rollover gas: All producers.....	1.177	1.180	1.183
Replacement contract gas or recompletion gas:			
Small producer.....	1.507	1.511	1.515
Large producer.....	1.153	1.156	1.159
Flowing gas:			
Small producer.....	0.758	0.760	0.762
Large producer.....	0.642	0.644	0.646
Certain Permian Basin gas:			
Small producer.....	0.895	0.897	0.899
Large producer.....	0.795	0.797	0.799
Certain Rocky Mountain gas:			
Small producer.....	0.895	0.897	0.899
Large producer.....	0.758	0.760	0.762
Certain Appalachian Basin gas:			
North subarea contracts dated after 10-7-69.....	0.723	0.725	0.727
Other contracts.....	0.671	0.673	0.675
Minimum rate gas: <sup>1</sup> All producers.....	0.395	0.396	0.397

<sup>1</sup> Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

<sup>2</sup> This price may also be applicable to other categories of gas (see §§ 271.402 and 271.602).

#### § 271.102 [Amended]

3. Section 271.102(c) is amended by adding the inflation adjustment for the months of May, June and July 1992, in Table III.

TABLE III—INFLATION ADJUSTMENT

Month of delivery	Factor <sup>1</sup>
May 1992.....	1.00271
June 1992.....	1.00271
July 1992.....	1.00271

<sup>1</sup> Factor by which price in preceding month is multiplied.

[FR Doc. 92-10369 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### 26 CFR Parts 1 and 602

[T.D. 8416]

RIN 1545-AK20

##### Minimum Tax—Tax Benefit Rule

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

**SUMMARY:** This document contains final regulations relating to the application of the tax benefit rule to the minimum tax. Changes to the applicable law were made by the Tax Reform Act of 1976. The regulations provide taxpayers with

guidance necessary to determine the amount of tax preference items that do not provide a current tax benefit because of available credits and thus are not subject to minimum tax.

**DATES:** These regulations are effective May 5, 1992. They are applicable only as they affect items of tax preference that are subject to the minimum tax imposed by section 56 of the Internal Revenue Code of 1954 and arise in taxable years beginning after December 31, 1975, and before January 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** Kelly R. Berg of the Office of Assistant Chief Counsel (Income Tax and Accounting), (202) 566-3861 (not a toll-free call).



# **SUPPLEMENTARY INFORMATION: Paperwork Reduction Act**

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1545-1093. The estimated annual burden per respondent is .2 hours.

This estimate is an approximation of the average time expected to be necessary for a collection of information. It is based on such information as is available to the Internal Revenue Service. Individual respondents may require more or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

## **Background**

This document contains final regulations amending the Income Tax Regulations (26 CFR part 1) under section 58(h) of the Internal Revenue Code of 1954 (Code). This Treasury Decision will conform the regulations to section 301(d)(3) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1553) and is issued under the authority contained in sections 58(h) and 7805 of the Code (90 Stat. 1553 and 68A Stat. 917; 26 U.S.C. 58(h), 7805).

These regulations are effective May 5, 1992. They are applicable only as they affect tax preference items that are subject to the minimum tax imposed by section 56 of the Internal Revenue Code of 1954 and arise in taxable years beginning after December 31, 1975, and before January 1, 1987. Except to the extent that they affect taxpayers' credit carryforwards, the regulations do not apply for purposes of determining alternative minimum tax liability imposed by section 55 for any individual's taxable year beginning after December 31, 1978, or for any corporation's taxable year beginning after December 31, 1986.

On May 5, 1989, the Internal Revenue Service published in the *Federal Register* a Notice of Proposed Rulemaking (54 FR 19409). The Service received three comment letters in response to that notice. A public hearing was not requested. After consideration

of the written comments, the proposed regulations are adopted as revised in this Treasury Decision.

## **Explanation of Provisions**

An Explanation of Provisions was included in the preamble to the temporary regulations. See 54 FR 19363.

The final regulations are substantially unchanged, except as noted below.

## **Public Comments**

Section 1.58-9(e)(2) of the proposed regulations provides that the adjustments of § 1.58-9 generally apply in assessing deficiencies and refunding any overpayment of tax for all years for which the period of limitations has not expired regardless of whether the period of limitations has expired for the taxable year in which the non-beneficial preferences arose. One commenter suggested that, in view of the delay in the issuance of proposed regulations under section 58(h), the regulations should be applied without regard to limitation periods to all years to which 58(h) applies.

The Service and the Treasury Department believe that it is not appropriate to adjust tax liability for a year for which the period of limitations has expired. Thus, the final regulations retain the approach of the proposed regulations. Where the taxpayer paid minimum tax on non-beneficial preferences, did not make a claim for a credit or refund of the minimum tax paid, and the period of limitations for claiming a credit or refund under section 6511 has expired for the year in which the non-beneficial preferences arose, the taxpayer is not required to reduce its freed-up credits. In addition, if the taxpayer did not pay minimum tax attributable to non-beneficial preferences, used credits that were freed up by those preferences to reduce tax liability for a taxable year for which the period of limitations has expired, and the credits so used exceed the amount of credits that would have been available for use if the credit reduction described in the regulations had been made, then the taxpayer is liable for minimum tax equal to the amount of credits so used only if the period of limitations has not expired for the taxable year in which the non-beneficial preferences arose. Thus, the rules of § 1.58-9(e)(2) do not result in unfair treatment of taxpayers.

Section 1.58-9(c)(2) of the proposed regulations provides that the first step in computing the amount of freed-up credits is to determine the regular tax that would have been imposed if preference items had not been allowed in computing taxable income (the "non-preference regular tax"). A second

comment letter pointed out that this statement, as well as all of the examples given in the regulations, assumes that all items of tax preference reduced taxable income. However, during the years affected by these regulations, the corporate capital gain preference was not based on a reduction to taxable income but instead was based on a lower rate of tax on capital gains under section 1201. In response to this comment, the final regulations clarify that a corporation's non-preference regular tax is computed without regard to section 1201.

The proposed regulations calculate the amount of preferences that provides no tax benefit in the current year by determining the amount of unused credits that would have been used in the absence of preferences and converting these "freed-up credits" into a preference amount. The second commenter pointed out that because the proposed regulations assume that more credits would have been used against non-preference regular tax than are used against the actual regular tax, the regulations fail to address certain situations in which section 904 of the Code would allow fewer foreign tax credits against non-preference regular tax than the credits allowed against the actual regular tax. The commenter was concerned that the proposed regulations do not provide for these "negative freed-up credits" to be taken into consideration in determining the net credit reduction amount. No change to the final regulations was necessary to address this comment. The "netting" that the commenter requested is already built into the regulations because in computing a taxpayer's total freed-up credits for the taxable year, "negative freed-up credits" will automatically reduce (but not below zero) the total amount of freed-up credits computed under § 1.58-9(c)(2) of the regulations.

A third comment letter argued that the proposed regulations are in clear and direct conflict with both the statutory language and the Congressional purpose of section 58(h). The commenter's position is that section 58(h) gives the Secretary authority to issue regulations under which "items of tax preference shall be properly adjusted" where no tax benefit results from the preferences for any taxable year, but does not empower the Secretary to adopt a credit reduction mechanism like the one set forth in the proposed regulations. Consistent with section 58(h) and the holding in *First Chicago Corp. v. Commissioner*, 842 F.2d 180 (7th Cir. 1988), *aff'd* 88 T.C. 663 (1987), the regulations provide that taxpayers will



not currently incur minimum tax on preference items arising in a taxable year for which the availability of excess credits in effect denies the taxpayer a current benefit from such preferences. Neither the statute nor the legislative history, however, suggests that minimum tax, which would otherwise have been due absent such excess credits, should be forgiven. In this respect, the regulations, by way of the credit reduction mechanism, ensure that minimum tax will in effect be imposed only if, and to the extent that, a taxpayer ultimately realizes a tax benefit from the preference items through the application of the freed-up credits carried back or over to reduce tax liability.

Because the statute and legislative history are silent about how the regulations should deal with a situation where a tax benefit is realized in a year after the year in which the preferences arose, the Secretary is free to adopt a reasonable approach to address this situation. The credit reduction approach of the regulations, which in effect postpones the tax until the freed-up credits would be utilized, is reasonable. Furthermore, the approach is quite similar to the suspended minimum tax regime that Congress used to deal with a similar situation under section 56(b) of the add-on minimum tax. We believe that this approach is a valid exercise of the authority granted to the Secretary by Congress under section 58(h). We also believe that the approach of the proposed regulations is easier to apply than alternative approaches that we considered. For example, the credit reduction approach does not allow subsequent changes in the minimum tax to alter the effect of suspended preferences, and does not require complex stacking rules to determine the order in which suspended preferences are deemed to be utilized. Therefore, the credit reduction method of the proposed regulations is adopted without change in the final regulations.

#### Other Matters

The final regulations clarify that the determination of freed-up credits is made for each taxable year independent of other taxable years. Thus, credits that are freed up in one taxable year may be carried over or carried back (after being reduced under paragraph (c)(5) of § 1.58-9) and used to determine non-beneficial preferences in the carryover or carryback year.

The final regulations continue to reserve on rules relating to the application of the tax benefit rule in cases where tax preference items provide no tax benefit in the current

taxable year because available net operating loss carryovers would have reduced or eliminated tax liability if the preference items had not been allowed in computing taxable income.

#### Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Impact Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

#### Drafting Information

The principal author of these regulations is Kelly R. Berg of the Office of Assistant Chief Counsel (Income Tax and Accounting), Internal Revenue Service. However, personnel from other offices of the Service and the Treasury participated in their development.

#### List of Subjects

26 CFR Parts 1.58-0 Through 1.58-9

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements

#### Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

**Paragraph 1.** The authority citation for part 1 is amended by removing the entry for "1.58-9T" and adding the following citation:

**Authority:** 26 U.S.C. 7805 \* \* \* Section 1.58-9 is also issued under 26 U.S.C. 58(h).

**Par. 2.** A new § 1.58-9 is added to read as set forth below:

**§ 1.58-9 Application of the tax benefit rule to the minimum tax for taxable years beginning prior to 1987.**

(a) *In general.* For purposes of computing the minimum tax liability imposed under section 56 of the Internal Revenue Code of 1954 (Code), taxpayers

are not liable for minimum tax on tax preference items that do not reduce the taxpayer's tax liability under subtitle A of the Code for the taxable year. In general, tax preference items that do not reduce tax liability under subtitle A for the taxable year are those from which no current tax benefit is derived because available credits would have reduced or eliminated the taxpayer's regular tax liability if the preference items had not been allowed in computing taxable income. However, any credits that, because of such preference items, are not needed for use against regular tax ("freed-up credits"), are required to be reduced under the rules of paragraph (c) of this section. For purposes of this section, a taxpayer's regular tax is the Federal income tax liability under subchapter A of chapter 1 of the Code, not including the minimum tax imposed by section 56. Unless otherwise noted, all references to Internal Revenue Code sections refer to the Internal Revenue Code of 1954.

(b) *Effective date.* The rules of this section are effective May 5, 1992, but only as they affect tax preference items that arise in taxable years beginning after December 31, 1976, and before January 1, 1987.

(c) *Adjustment of carryover credits—*  
(1) *In general.* A taxpayer's freed-up credits must be reduced by the additional minimum tax that would have been imposed if a current tax benefit had been derived from preference items that did not actually produce a current tax benefit. The amount of this reduction shall be calculated in the following manner—

(i) Determine the amount of freed-up credits;

(ii) Determine the amount of tax preference items (if any) from which a current tax benefit was derived for the taxable year ("beneficial preferences"), and the amount of preferences from which no current tax benefit was derived for the taxable year ("non-beneficial preferences"); and

(iii) Determine the portion of the total minimum tax on all tax preference items for the taxable year that is attributable to the non-beneficial preferences.

The freed-up credits are then reduced by an amount equal to such portion of the minimum tax.

(2) *Determine freed-up credits.* (i) To determine the freed-up credits for the taxable year, first determine the regular tax that would have been imposed for the taxable year if preference items had not been allowed in computing taxable income ("non-preference regular tax"). In the case of a taxpayer with the capital gain preference described in



section 57(a)(9)(B), non-preference regular tax is computed without regard to section 1201 and without adding the section 57(a)(9)(B) preference amount to taxable income. Second, compute the amount of credits that would have been allowed to reduce the non-preference regular tax. The credits available to reduce non-preference regular tax shall include any freed-up credits from other taxable years, as reduced under paragraph (c)(5) of this section, that are carried to the current taxable year. Third, subtract the amount of credits that were actually allowed to reduce the regular tax for such taxable year from the amount of credits that would have been allowed to reduce non-preference regular tax. The result is the amount of the freed-up credits.

(ii) The following examples illustrate the determination of freed-up credits. The first two examples assume that the foreign tax credits being used do not exceed the limitation under section 904.

**Example 1.** In 1982 Corporation B has \$17.6 million dollars in foreign tax credits available for the taxable year. If preference items were not allowed in determining regular tax, the regular tax would have been \$10.2 million and foreign tax credits used to reduce regular tax would have been \$10.2 million. Because of tax preference items, however, B's regular tax is \$6.3 million and the amount of foreign tax credits actually used to reduce the regular tax is \$6.3 million. The amount of freed-up foreign tax credits is \$3.9 million (\$10.2 million minus \$6.3 million).

**Example 2.** Assume the same facts as in Example 1 of paragraph (c)(2)(ii) of this section except that Corporation B has \$7.2 million dollars in foreign tax credits. If preference items were not allowed, the non-preference regular tax would have been \$10.2 million and the foreign tax credits used to reduce the regular tax would have been \$7.2 million. Because of tax preference items, however, B's regular tax is \$6.3 million, and the amount of foreign tax credits actually used to reduce the regular tax is \$6.3 million. The amount of freed-up foreign tax credits is \$0.9 million (\$7.2 million minus \$6.3 million).

**Example 3.** In 1983 Corporation C has \$500,000 of investment tax credits available. If preference items were not allowed, non-preference regular tax would have been \$690,000 and all \$500,000 of investment tax credits would have been allowed to reduce non-preference regular tax liability. Because of tax preferences, however, C's actual regular tax is \$439,750. As a result of the limitation under section 38(c), only \$377,537 of the investment tax credits are allowed to reduce the actual regular tax. Freed-up credits are \$122,463 (\$500,000 minus \$377,537).

**Example 4.** In 1984 Corporation B has ordinary income of \$200,000 and net section 1201 gain of \$300,000, none of which is attributable to foreign sources. B has no other items of tax preference in 1984. B's non-preference regular tax for 1984 is \$126,950, the amount of tax that would be imposed without regard to section 1201.

(3) *Determination of beneficial and non-beneficial preferences*—(i) *In general.* The amount of tax preferences from which a current tax benefit is derived ("beneficial preferences") and the amount from which no current tax benefit is derived ("non-beneficial preferences") for the taxable year are determined as set forth below.

(ii) *Regular tax liability is the same regardless of preference items.* (A) If the taxpayer's tax liability (after credits) would be the same regardless of whether preference items were allowed to reduce taxable income, then all of the taxpayer's preference items are non-beneficial preference items.

(B) The following example illustrates the rule set forth in paragraph (c)(3)(ii)(A) of this section. This example assumes that foreign tax credits being used do not exceed the limitation under section 904.

**Example.** (i) In 1982 Corporation B has \$17.6 million dollars in foreign tax credits available for the taxable year. If preference items were not allowed in determining regular tax, the regular tax would have been \$10.2 million and foreign tax credits used to reduce regular tax would have been \$10.2 million. Because of tax preference items, however, B's regular tax is \$6.3 million and the amount of foreign tax credits actually used to reduce the regular tax is \$6.3 million. The amount of freed-up foreign tax credits is \$3.9 million (\$10.2 million minus \$6.3 million).

(ii) The total amount of B's tax preference items is \$8.4 million. B's non-preference regular tax is \$10.2 million and, reduced by foreign tax credits, is zero. B's actual regular tax is \$6.3 million and, reduced by foreign tax credits, is zero. Since the amount of credits that would have been allowed to offset the non-preference regular tax would have reduced such tax to an amount (\$0) equal to the actual regular tax liability (\$0), B received a tax benefit from none of the \$8.4 million of tax preferences and therefore all of these preferences are non-beneficial preferences.

(iii) *Regular tax liability differs because of preference items.* If tax liability (after credits) is less because preference items are allowed to reduce taxable income, then some of these preference items have provided a current tax benefit. In such cases, the amount of beneficial and non-beneficial preferences are determined as follows:

(A) *Non-beneficial preferences.* (1) The non-beneficial preferences are determined by converting the freed-up credits for such taxable year into an amount of taxable income. To make this conversion, freed-up credits are "grossed up" (i.e., divided by the regular tax marginal rate at which such credits would have offset non-preference regular tax) to determine the amount of tax preferences that freed up such credits. For purposes of this calculation,

the 5-percent addition to tax provided by section 11(b) shall be included in determining the marginal rate. The aggregate of these grossed-up amounts is the total amount of non-beneficial preferences for the taxable year.

(2) The freed-up credits shall be grossed up beginning at the lowest marginal tax rate that would have applied to the additional taxable income arising if tax preferences were not allowed. Thus, the marginal tax rates at which the actual regular tax was imposed shall not be taken into account in grossing up freed-up credits, even if all or a portion of such tax is not offset by credits because of limitations on the allowance of such credits (such as the section 904 limit on foreign tax credits or the section 38(c) limit on investment tax credits). For example, if the first dollar of additional non-preference taxable income would have been taxed at a rate of 46 percent, then freed-up credits shall be grossed up at 46 percent, even if regular tax imposed on taxable income at a 40-percent rate was not offset by credits because of the limitations on investment tax credits under section 38(c). See Examples 1 and 2 in paragraph (d) of this section for illustrations of the gross up of freed-up credits in cases where limitations apply to the amount of credit allowed to offset actual regular tax.

(3) The following example illustrates the gross up of freed-up credits to determine non-beneficial preferences. This example assumes that foreign tax credits being used do not exceed the limitation under section 904.

**Example.** (i) Corporation L has the following items for the 1985 taxable year:

Actual taxable income.....	\$90,000
Regular tax .....	21,750
Available credits:	
Foreign tax credits for 1985 .....	15,000
Foreign tax credits carried forward from 1984 .....	25,000
Investment tax credits carried forward from 1984 .....	20,000
	60,000
Credit allowed to offset actual regular tax:	
Foreign tax credits for 1985 .....	15,000
Foreign tax credits carried forward from 1984 .....	6,750
	21,750
Actual regular tax liability .....	0
Preferences .....	110,000
Taxable income for 1985 determined as though preferences were not allowed .....	200,000
Non-preference regular tax .....	71,750
Credits allowed to offset non-preference regular tax:	
Foreign tax credits for 1985 .....	15,000
Foreign tax credits carried forward from 1984 .....	25,000
Investment tax credits carried forward from 1984 .....	20,000



Non-preference regular tax liability	60,000	Taxable income	Rate	Tax
	11,750			
		\$25,000	X .15	\$3,750
		25,000	X .18	4,500
		25,000	X .30	7,500
		25,000	X .40	10,000
		100,000	X .46	46,000
		\$200,000		\$71,750

(ii) The freed-up credits for 1985 are \$38,250 (\$60,000 minus \$21,750). The non-preference regular tax of \$71,750 is determined by applying the regular tax rates set forth in section 11(b) to the \$200,000 of taxable income as follows:

(iii) Thus, for purposes of determining the non-beneficial preferences, freed-up credits are grossed up as follows: The credits

allowed against the regular tax and the freed-up credits are treated as offsetting non-preference regular tax in the same order as such credits would have been allowed to offset such tax, beginning at the lowest marginal tax rate. The freed-up credits are grossed up beginning at the lowest marginal tax rate at which additional taxable income would have been taxed if preferences were not allowed. Thus, in this example freed-up credits are grossed up beginning at 40 percent, and the amount of L's non-beneficial preferences for the 1985 taxable year is \$84,456.

Type	Credit allowed against regular tax	Freed-up credit	Divided by tax rate	Non-beneficial preferences
FTC (85)	\$3,750		.15	
Do	4,500		.18	
Do	6,750		.30	
FTC (84)	750		.30	
Do	6,000		.40	
Do		\$4,000	.40	\$10,000
Do		14,250	.46	30,978
ITC (84)		20,000	.46	43,478
	\$21,750	\$38,250		\$84,456

Foreign tax credit = FTC (year)  
Investment tax credit = ITC (year)

(B) *Beneficial preferences.* The amount of beneficial preferences for the taxable year is computed by subtracting the non-beneficial preferences for the taxable year from the total amount of tax preferences for such year. This rule may be illustrated by the following example:

*Example.* Assume the same facts as in the Example in paragraph (c)(3)(iii)(A)(3) of this section. The amount of L's beneficial preferences for 1985 is \$25,544 (total preferences of \$110,000, minus non-beneficial preferences of \$84,456).

(4) *Determine the minimum tax attributable to non-beneficial preferences.* (i) The portion of the minimum tax that is attributable to the non-beneficial preferences is computed as follows—

(A) Compute the minimum tax that would be imposed on all tax preference items for the taxable year if all of the preferences had produced a tax benefit.

(B) Compute the minimum tax that would be imposed on the beneficial preferences if these were the taxpayer's only preferences. (This is the amount of minimum tax actually imposed for the taxable year.)

(C) Subtract the amount computed in paragraph (c)(4)(i)(B) of this section from the amount computed in paragraph (c)(4)(i)(A) of this section. The result is the minimum tax attributable to the non-beneficial preferences for the taxable year. This amount is sometimes referred

to hereinafter as the "credit reduction amount".

(ii) The following examples illustrate determination of the credit reduction amount. These examples assume that foreign tax credits being used do not exceed the limitation under section 904.

*Example 1.* (i) In 1982 Corporation B has \$17.8 million dollars in foreign tax credits available for the taxable year. If preference items were not allowed in determining regular tax, the regular tax would have been \$10.2 million and foreign tax credits used to reduce regular tax would have been \$10.2 million. Because of tax preference items, however, B's regular tax is \$6.3 million and the amount of foreign tax credits actually used to reduce the regular tax is \$6.3 million. The amount of freed-up foreign tax credits is \$3.9 million (\$10.2 million minus \$6.3 million).

(ii) The total amount of B's tax preference items is \$8.4 million. B's non-preference regular tax is \$10.2 million and, reduced by foreign tax credits, is zero. B's actual regular tax is \$6.3 million and, reduced by foreign tax credits, is zero. Since the amount of credits that would have been allowed to offset the non-preference regular tax would have reduced such tax to an amount (\$0) equal to the actual regular tax liability (\$0), B received a tax benefit from none of the \$8.4 million of tax preferences and therefore all of these preferences are non-beneficial preferences.

(iii) Since B has \$8.4 million in total preference items and no regular tax liability, the minimum tax on that amount would be \$1,258,500 ((\$8.4 million minus \$10,000) multiplied by .15). None of the preference items is a beneficial preference. Thus, the minimum tax attributable to non-beneficial preferences (and therefore, the credit reduction amount) is \$1,258,500.

*Example 2.* (i) Corporation L has the following items for the 1985 taxable year:

Actual taxable income	\$90,000
Regular tax	21,750
Available credits:	
Foreign tax credits for 1985	\$15,000
Foreign tax credits carried forward from 1984	25,000
Investment tax credits carried forward from 1984	20,000
	\$60,000
Credit allowed to offset actual regular tax:	
Foreign tax credits for 1985	\$15,000
Foreign tax credits carried forward from 1984	6,750
	\$21,750
Actual regular tax liability	0
Preferences	110,000
Taxable income for 1985 determined as though preferences were not allowed	200,000
Non-preference regular tax	71,750
Credits allowed to offset non-preference regular tax:	
Foreign tax credits for 1985	\$15,000
Foreign tax credits carried forward from 1984	25,000
Investment tax credits carried forward from 1984	20,000
	\$60,000
Non-preference regular tax liability	11,750

(ii) The freed-up credits for 1985 are \$38,250 (\$60,000 minus \$21,750). The non-preference regular tax is \$71,750. The amount of L's non-beneficial preferences for the 1985 taxable year is \$84,456.

(iii) The minimum tax on L's total preference items of \$110,000 would be \$15,000 ((\$110,000 minus \$10,000) multiplied by .15). Since the amount of non-beneficial preferences is \$84,456, the amount of L's



beneficial preferences for 1985 is \$25,544 (\$110,000 minus \$84,456). The minimum tax on L's beneficial preferences of \$25,544 is \$2,332 ((\$25,544 minus \$10,000) multiplied by .15). (This is the amount of minimum tax imposed for 1985.) The minimum tax attributable to non-beneficial preference items (and therefore, the credit reduction amount) is \$12,668 (\$15,000 minus \$2,332).

(5) *Reduction of freed-up credits*—(i) *In general.* The freed-up credits are reduced by an amount equal to the minimum tax attributable to the non-beneficial preferences ("credit reduction amount"). If the taxpayer has only one type of freed-up credit (i.e., only investment tax credit or only foreign tax credit) and that credit was earned in only one year (the current year or a carryover year), then the credit is reduced by the credit reduction amount. This rule may be illustrated by the following example. This example assumes that foreign tax credits being used do not exceed the limitation under section 904.

*Example.* (i) In 1982 Corporation B has \$17.6 million dollars in foreign tax credits available for the taxable year. If preference items were not allowed in determining regular tax, the regular tax would have been \$10.2 million and foreign tax credits used to reduce regular tax would have been \$10.2 million. Because of tax preference items, however, B's regular tax is \$6.3 million and the amount of foreign tax credits actually used to reduce the regular tax is \$6.3 million. The amount of freed-up foreign tax credits is \$3.9 million (\$10.2 million minus \$6.3 million).

(ii) The total amount of B's tax preference items is \$8.4 million. B's non-preference regular tax is \$10.2 million and, reduced by foreign tax credits, is zero. B's actual regular tax is \$6.3 million and, reduced by foreign tax credits, is zero. Since the amount of credits that would have been allowed to offset the non-preference regular tax would have reduced such tax to an amount (\$0) equal to the actual regular tax liability (\$0), B received a tax benefit from none of the \$8.4 million of tax preferences and therefore all of these preferences are non-beneficial preferences.

(iii) Since B has \$8.4 million in total preference items and no regular tax liability, the minimum tax on that amount would be \$1,258,500 ((\$8.4 million minus \$10,000) multiplied by .15). None of the preference items is a beneficial preference. Thus, the minimum tax attributable to nonbeneficial preferences (and therefore, the credit reduction amount) is \$1,258,500.

(iv) All of the \$3.9 million of freed-up credits are foreign tax credits that arise in the same year and that otherwise would be carried forward. Since the entire amount of B's tax preferences are non-beneficial preferences, the minimum tax of \$1,258,500 that would be imposed on the total tax preferences is the credit reduction amount. Thus, B's \$3.9 million of freed-up foreign tax credits is reduced by \$1,258,500. The foreign tax credit carryforward from 1982 is \$10,041,500. This amount is the sum of \$2,641,500 (the freed-up foreign tax credit of

\$3,900,000, reduced by the credit reduction amount of \$1,258,500), plus \$7.4 million (the foreign tax credit that would have been carried over even if tax preference items had not been allowed).

However, if the taxpayer has more than one type of freed-up credit, or the taxpayer's freed-up credits are from more than one taxable year, then the credit reduction amount must be allocated under the exact method described in paragraph (c)(5)(ii) of this section, unless an election is made under paragraph (c)(5)(iii) of this section to use the simplified method.

(ii) *Exact method.* For each type of freed-up credits and for each taxable year within such type from which any such credits are earned, the amount of credit reduction shall be equal to the amount of minimum tax attributable to the non-beneficial preferences that freed up the credits for that type and taxable year. The amount of the credit reduction is computed by multiplying the amount of non-beneficial preferences which freed up credits for each type and taxable year by the minimum tax rate. For purposes of this computation, if the amount of the taxpayer's minimum tax exemption for the taxable year (as determined under section 56(a)) exceeds the amount of the taxpayer's beneficial preferences, such excess exemption shall reduce the amount of non-beneficial preferences to be multiplied by the minimum tax rate. The non-beneficial preferences shall be reduced by any such excess exemption in the same order in which the credits that were freed up by such preferences would have been allowed to offset tax. Thus, for example, any excess exemption shall first reduce non-beneficial preferences that freed up foreign tax credits. Any such excess exemption remaining after reducing non-beneficial preferences that freed up foreign tax credits to zero would then be used to reduce the non-beneficial preferences that freed up investment tax credits.

(iii) *Simplified method*—(A) *Description of method.* In lieu of the exact credit reduction method described in paragraph (c)(5)(ii) of this section, taxpayers may elect to use the simplified credit reduction method. Under the simplified credit reduction method, the amount of freed-up credits for each type of credit and for each taxable year in which such credit is earned is multiplied by a fraction. The numerator of the fraction is the total credit reduction amount as determined in paragraph (c)(4)(i)(C) of this section. The denominator is the total amount of freed-up credits as determined in paragraph (c)(2)(i) of this section. The

product of this multiplication is the amount of credit reduction for each type and taxable year of freed-up credit.

(B) *Election to use simplified method.* A taxpayer may elect to use the simplified credit reduction method for all taxable years to which this section applies by attaching a statement indicating such an election on the amended Federal income tax return or returns applying the adjustments of this section. If an election is made for any taxable year, it must be made for all taxable years. Once an election has been made, it can be revoked only with the permission of the Commissioner. Similarly, once returns have been filed applying the exact credit reduction method, an election to apply the simplified method can be made only with the consent of the Commissioner.

(iv) *Effect of credit reduction on credit carryovers.* Under both the exact method and the simplified method, the determination of credit carryovers to other taxable years is made on the basis of freed-up credits remaining after such reduction, plus any other unused credits. Thus, an amount of freed-up credits that is equal to the credit reduction amount shall not be allowed to reduce tax liability in any taxable year. Such disallowance is without regard to whether such credits would otherwise be allowed as a carryover. The freed-up credits, as reduced under this paragraph (c)(5), shall be carried over or carried back in applying this section in a carryover or carryback year. No minimum tax liability shall be due with respect to the non-beneficial preferences for any taxable year.

(v) *Examples.* The following examples illustrate reduction of freed-up credits.

*Example 1.* (i) Corporation L has the following items for the 1985 taxable year:

Actual taxable income	\$90,000
Regular tax	21,750
Available credits:	
Foreign tax credits for 1985	\$15,000
Foreign tax credits carried forward from 1984	25,000
Investment tax credits carried forward from 1984	20,000
	60,000
Credit allowed to offset actual regular tax:	
Foreign tax credits for 1985	\$15,000
Foreign tax credits carried forward from 1984	6,750
	21,750
Actual regular tax liability	21,750
Preferences	110,000
Taxable income for 1985 determined as though preferences were not allowed	200,000
Non-preference regular tax	71,750
Credits allowed to offset non-preference regular tax:	
Foreign tax credits for 1985	\$15,000



Foreign tax credits carried forward from 1984.....	\$25,000
Investment tax credits carried forward from 1984.....	20,000
	60,000
Non-preference regular tax liability.....	11,750

(ii) The freed-up credits for 1985 are \$38,250 (\$60,000 minus \$21,750). The non-preference regular tax is \$71,750. The amount of L's non-beneficial preferences for the 1985 taxable year is \$84,456.

(iii) The credit reduction amount for 1985 is \$12,668, the amount of minimum tax attributable to L's non-beneficial preferences. This amount is allocated to reduce each category of freed-up credit and to each year from which such credit is carried over. L's \$38,250 of freed-up credits consists of \$18,250 of foreign tax credits carried forward from 1984, which were freed up by \$40,978 of non-beneficial preferences, and \$20,000 of investment tax credits carried forward from 1984, which were freed up by \$43,478 of non-beneficial preferences.

(iv) The apportionment of this credit reduction amount to each category of freed-up credit and each taxable year from which such credits are carried over is determined as follows under the exact credit reduction method:

(A) Foreign tax credits carried forward from 1984:

Non-beneficial preferences that freed up 1984 FTC  $\times .15 =$  Credit reduction of 1984 FTC  
 $\$40,978 \times .15 = \$6,146$

(B) Investment tax credits carried forward from 1984:

Non-beneficial preferences that freed up 1984 ITC  $\times .15 =$  Credit reduction of 1984 ITC  
 $\$43,478 \times .15 = \$6,522$

Thus, the foreign tax credits from 1984 that are carried forward to 1986 are \$12,104 (\$18,250 minus \$6,146). The investment tax credits from 1984 that are carried forward to 1986 are \$13,478 (\$20,000 minus \$6,522).

(v) The reduction of the freed-up credit under the simplified credit reduction method is as follows:

(A) Foreign tax credit carried forward from 1984:

Freed-up foreign tax credits from 1984	$\times$	Credit reduction amount	
		Total freed-up credit	

= Credit reduction allocated to freed-up foreign tax credits carried forward from 1984

$$\begin{array}{r} \$18,250 \times \frac{\$12,668}{\$38,250} = \$6,044 \end{array}$$

(B) Investment tax credits carried forward from 1984:

Freed-up investment tax credits from 1984	$\times$	Credit reduction amount	
		Total freed-up credit	

= Credit reduction allocated to freed-up investment tax credit carried forward from 1984

$$\begin{array}{r} \$20,000 \times \frac{\$12,668}{\$38,250} = \$6,624 \end{array}$$

Thus, under the simplified credit reduction method, L has \$12,206 of foreign tax credits for 1984 (\$18,250 minus \$6,044) that are carried forward to 1986, and \$13,376 of investment tax credits for 1984 (\$20,000 minus \$6,624) that are carried forward to 1986.

**Example 2.** Assume the same facts as in *Example 1* of this paragraph (c)(5)(v), except that the foreign tax credits available for use in 1985 include \$10,750 in credits carried forward from 1980 and \$14,250 in credits carried forward from 1984, rather than \$25,000 carried forward from 1984. Thus \$4,000 of the freed-up foreign tax credit is carried over from 1980. The other \$14,250 of freed-up foreign tax credit is carried over from 1984. The non-beneficial preferences that freed up the 1980 foreign tax credit are \$10,000. The non-beneficial preferences that freed up the 1984 foreign tax credit are \$30,978. Under the exact credit reduction method, the credit reduction amounts for each of these credits are determined as follows:

(i) Foreign tax credit carried forward from 1980:

$$\$10,000 \times .15 = \$1,500$$

(ii) Foreign tax credit carried forward from 1984:

$$\$30,978 \times .15 = \$4,646$$

Thus, the foreign tax credit from 1984 that is carried forward to 1986 is \$9,604 (\$14,250 minus \$4,646). Since the foreign tax credit from 1980 expires after 1985, none of that credit is carried forward to 1986.

(d) **Examples.** The following examples are comprehensive illustrations of the adjustments described in paragraph (c) of this section:

**Example 1.** (i) This example illustrates the operation of the credit reduction adjustment when the amount of foreign tax credit allowed is subject to the overall limitation under section 904. For purposes of this example, assume that Corporation X has the following items for the 1984 taxable year:

Taxable income (determined as though preferences were not allowed).....	\$140,000
From foreign sources.....	70,000
Foreign tax credits from 1984.....	5,000
Foreign tax credits from 1983.....	7,000
Actual taxable income.....	50,000
From foreign sources.....	25,000

(ii) The credit reduction adjustment and minimum tax liability for the taxable year are determined as follows:

1. Taxable income (determined as though preferences were not allowed).....	\$140,000
2. Tax preferences for 1984.....	90,000
3. Taxable income (line 1 minus line 2).....	50,000
4. Regular tax on line 3 amount (actual regular tax) before credits:	
$\$25,000 \times .15 = \$3,750$	
$25,000 \times .18 = 4,500$ .....	8,250
5. Foreign tax credits allowed against regular tax (limited to 50% of actual regular tax under sec. 904)—1984 foreign tax credits.....	4,125
6. Regular tax after credits (line 4 minus line 5).....	4,125
7. Regular tax on line 1 amount (non-preference regular tax) before credits:	
$25,000 \times .15 = \$3,750$ ..	
$25,000 \times .18 = 4,500$ ..	
$25,000 \times .3 = 7,500$ ..	
$25,000 \times .4 = 10,000$ ..	
$40,000 \times .46 = 18,400$ .....	44,150
8. Foreign tax credits allowed against non-preference regular tax:	
\$5,000 (1984 foreign tax credits)	
7,000 (1983 foreign tax credits).....	12,000
(the allowed credits do not exceed the section 904 limitation of \$22,075)	
9. Non-preference regular tax after credits (line 7 minus line 8).....	32,150
10. Freed-up credits (line 8 minus line 5):	
1984 foreign tax credits.....	\$5,000
(4,125)	
	\$875
1983 foreign tax credits.....	\$7,000
0	
	7,000
Total.....	\$7,875



11. Non-beneficial preferences are computed as set forth in the table below. Under this computation, non-beneficial preferences are considered to free up credits that would have offset non-preference regular tax beginning at the lowest tax rates at which income that was offset by tax preferences otherwise would have been subject to regular tax. In this case, income that was offset by tax preferences would have been taxed beginning at the 30 per cent marginal tax rate.

Type	Freed-up credit	Divided by tax rate	Non-beneficial preferences
FTC (84).....	\$875	.30	\$2,917
FTC (83).....	6,625	.30	22,083
Do.....	375	.40	938
	7,875		25,938
Total non-beneficial preferences.....			25,938

12. Beneficial preferences (line 2 minus line 11).....	64,062
13. Minimum tax on total tax preferences ((line 2 minus the greater of line 6 or \$10,000) × .15).....	12,000
14. Minimum tax on beneficial preferences ((line 12 minus the greater of line 6 or \$10,000) × .15).....	8,109
15. Credit reduction amount (line 13 minus line 14).....	3,891
16. Reduction of freed-up credits under the exact method (subtotals of line 11 multiplied by .15):	
(a) 1984 foreign tax credits: \$2,917 × .15 = \$438	
(b) 1983 foreign tax credits: (\$22,083 + \$938) × .15 = \$3,453	
(c) Total credit reduction.....	3,891

Note: If X had elected to use the simplified credit reduction method, the amount of credit reduction would be determined by multiplying the amount of freed-up credit in each category and taxable year by the following ratio:

credit reduction amount	\$3,891	
total freed-up credit	\$7,875	= .494

(d) Under this method, the 1984 freed-up foreign tax credits would be reduced by \$433 (\$875 × .494) and the 1983 freed-up foreign tax credits would be reduced by \$3,458 (\$7,000 × .494).

17. Freed-up credits after reduction under the exact method (line 10 subtotal minus line 16 subtotals):	
(a) 1984 foreign tax credits (\$874 minus \$438).....	437
(b) 1983 foreign tax credits (\$7,000 minus \$3,453).....	3,547

(d) Under this method, the 1984 freed-up foreign tax credits would be reduced by \$433 (\$875 × .494) and the 1983 freed-up foreign tax credits would be reduced by \$3,458 (\$7,000 × .494).

Thus, assuming that Corporation X did not elect to use the simplified method, Corporation X will carryover \$437 of 1984 foreign tax credits to 1985 and \$3,547 of 1983 foreign tax credits to 1985. Had Corporation X elected to use the simplified method, freed-up credits after reduction would be as follows:

(a) 1984 foreign tax credits (\$875 minus \$433).....	442
(b) 1983 foreign tax credits (\$7,000 minus \$3,458).....	3,542

Example 2. (i) Corporation X has the following items for its 1985 taxable year:

Taxable income (determined as though preferences were not allowed).....	\$1,500,000
1984 investment tax credits.....	400,000
1985 investment tax credits.....	100,000
Actual taxable income.....	1,000,000

(ii) The credit reduction and minimum tax of X for 1985 are determined as follows:

1. Taxable income determined as though.....	\$1,500,000
2. Tax preferences for 1985.....	500,000
3. Taxable income (line 1 minus line 2).....	1,000,000
4. Regular tax on line 3 amount (actual regular tax) before credits:.....	
\$25,000 × .15 = \$3,750	
25,000 × .18 = 4,500	
25,000 × .30 = 7,500	
25,000 × .40 = 10,000	
900,000 × .46 = 414,000.....	439,750
5. Investment tax credits allowed (limited under section 38 (c) to \$25,000 of net tax liability, plus 85 percent of net tax liability in excess of \$25,000).....	377,537
6. Regular tax after credits (line 4 minus line 5).....	62,212
7. Regular tax on line 1 amount (non-preference regular tax) before credits:.....	
25,000 × .15 = \$3,750	
25,000 × .18 = 4,500	
25,000 × .30 = 7,500	
25,000 × .40 = 10,000	
900,000 × .46 = 414,000	
405,000 × .51 = 206,550	
95,000 × .46 = 43,700.....	690,000
8. Investment tax credits allowed against non-preference regular tax.....	500,000
9. Non-preference regular tax after credits (line 7 minus line 8).....	190,000
10. Freed-up credits (line 8 minus line 5):	
1984 investment tax credit.....	\$400,000
(377,537)	
22,463	
1985 investment tax credit.....	\$100,000
—	
100,000	
Total.....	\$122,463

11. Non-beneficial preferences are computed as set forth in the table below. Under this computation, non-beneficial preferences are considered to free up credits that would have offset non-preference regular tax beginning at the lowest tax rates at which income that was offset by tax preferences otherwise would have been subject to regular tax. In this case, income that was offset by tax preferences would have been taxed beginning at the 51 percent marginal tax rate. Although some of the income offset by preferences would be taxed at the 46 percent marginal rate (because taxable income in excess of \$1,405,000 is not subject to the 5 percent addition to tax on taxable income in excess of \$1 million), the 51 percent marginal rate is taken into account first.

Type	Freed-up credit	Divided by tax rate	Non-beneficial preferences
ITC (84).....	\$22,463	.51	\$44,045
ITC (85).....	100,000	.51	196,078
	122,463		240,123
Total non-beneficial preferences.....			240,123

12. Beneficial preferences (line 2 minus line 11).....	259,877
13. Minimum tax on total tax preferences ((line 2 minus the greater of line 6 or \$10,000) × .15).....	65,668
14. Minimum tax on beneficial preferences ((line 12 minus the greater of line 6 or \$10,000) × .15).....	29,650
15. Credit reduction amount (line 13 minus line 14).....	36,018
16. Reduction of freed-up credits under the exact method (subtotals of line 11 multiplied by .15):	
(a) 1984 investment tax credits: \$44,045 × .15 = \$6,607	
(b) 1985 investment tax credits: \$196,078 × .15 = \$29,411	
(c) Total credit reduction.....	36,018
17. Fixed-up credits after reduction (assuming that Corporation X does not elect the simplified method):	
(a) 1984 investment credit (\$22,463 minus \$6,607).....	15,856
(b) 1985 investment credit (\$100,000 minus \$29,411).....	70,589

(e) Miscellaneous rules—(1) *Investment Credit Recapture.* If during any taxable year property to which section 47 applies is disposed of, then for purposes of determining any increase in tax under section 47 for such year, the amount of any reduction under this section of freed-up section 38 credit which was earned in the year the property was placed in service shall be treated as a credit that was allowed in a prior taxable year.



**Example.** Corporation D places property in service in 1983 that generates investment tax credits of \$10,000. D earns no other investment tax credits in 1983. None of the investment tax credits are used to reduce tax liability in 1983 or any prior years. In 1984, D uses \$1,000 of this credit to reduce regular tax liability. In addition, D has items of tax preferences in 1984. However, under section 58(h), D is not liable for minimum tax on any of these preference items because none of these preference items produces a tax benefit in 1984. As a result, an adjustment is made under the provisions of § 1.58-9 and the investment tax credit carryforward from 1983 is reduced by \$4,000. Thus, D has an investment tax credit carryforward of \$5,000 that is attributable to the property placed in service in 1983. In 1986, the property is disposed of and the investment tax credits earned in 1983 are recomputed as required under section 47. This recomputation results in a reduction of \$6,000 of the investment tax credits earned in 1983. D must now adjust its 1983 investment tax credit carryforward under section 47(a)(6) by reducing this carryforward to zero. In addition, D has an additional tax liability of \$1,000 for 1986.

(2) *Period of limitations; adjustments to tax liability.* The adjustments described in this section shall, in general, apply for purposes of assessing deficiencies or claiming refunds of tax for any taxable year for which the tax liability is affected by the adjustments of this section, provided that the period of limitations under section 6501 has not expired for such taxable year. Therefore, these adjustments generally apply for purposes of assessing deficiencies and refunding any overpayment of tax for all years for which the period of limitations has not expired regardless of whether the period of limitations has expired for the taxable year in which the non-beneficial preferences arose. However, the adjustments of this section do not apply to reduce otherwise allowable credits that were freed up by such non-beneficial preferences where:

(i) The taxpayer paid minimum tax on all tax preference items arising in the taxable year in which the non-beneficial preferences arose.

(ii) The taxpayer has not made a claim for a credit or refund for such minimum tax; and

(iii) The period of limitations for claiming a credit or refund under section 6511 has expired for such taxable year.

(A) Further, if—

(1) the taxpayer never paid minimum tax attributable to non-beneficial preferences;

(2) credits that were freed up by such preferences were used to reduce tax liability for a taxable year for which the period of limitations has expired; and

(3) credits so used exceed the amount of credits that would have been

available if the credit reduction required under this section with respect to such preferences had been made.

(B) Then, the taxpayer shall be liable for the minimum tax equal to the amount of credits so used, provided the period of limitations has not expired for the taxable year in which preferences arose.

(3) *Claims for credit or refund.* A taxpayer may claim a credit or refund of minimum tax that was made on non-beneficial preferences. However, such a claim for a credit or refund shall be disallowed to the extent that the taxpayer has reduced tax liability in a taxable year for which the period of limitations has expired by using freed-up credits in excess of the amount that would have been available if the credit reduction required under this section had been made. Such claim must be made by filing an amended return for the taxable year for which such minimum tax was paid. Further, if a claim for credit or refund is filed, amended returns must also be filed for any taxable year for which tax liability would be affected as a result of the reduction, under this section, of credits freed up by such non-beneficial preferences. See section 6511 and the regulations thereunder regarding the period of limitations for claiming a credit or refund.

(4) *Carryovers of foreign tax credit to taxable years after 1986.* In the case of foreign tax credit carryforwards to taxable years beginning after December 31, 1986, reductions in such credits required under this section shall apply for purposes of computing the alternative minimum tax foreign tax credit under section 59(a) of the Internal Revenue Code of 1986 as well as for purposes of computing the foreign tax credit for regular tax purposes.

(5) *Credit Carrybacks.* If credit carrybacks increase the amount of credits for a taxable year, the adjustments described in this section shall be recomputed taking into account the additional credits. This rule may be illustrated by the following examples:

**Example 1.** (i) In 1981 corporation D has actual taxable income of \$72,500 and regular tax before credits of \$15,000. In computing actual regular taxable income, D made use of \$36,739 of tax preference items, so that D's taxable income determined as though preference were not allowed would be \$109,239. D's non-preference regular tax before credits is \$30,000. D earns \$25,000 of foreign tax credits in 1981, none of which exceed the limitation under section 904 determined using either actual regular taxable income or the non-preference taxable income. These credits reduce actual regular tax to zero (\$0) and would have reduced non-preference regular tax to \$5,000 (\$30,000 minus \$25,000). Thus, D has freed-up foreign

tax credits from 1981 of \$10,000 (\$25,000 minus \$15,000). Pursuant to the adjustments required under this section, D determines that its credit reduction amount is \$3,843 and reduces its freed-up credit (and its credit carryover) from 1981 to \$6,157 (\$10,000 minus \$3,843). D also pays minimum tax of \$167 on \$11,114 of beneficial preferences ((\$11,114 minus \$10,000) multiplied by .15).

(ii) In 1982 D earns additional foreign tax credits. After application of the foreign tax credit carryback rules, D would have \$5,000 of 1982 foreign tax credits available for use in 1981. D must recalculate the adjustments required under this section by treating \$5,000 of foreign tax credit from 1982 as carried back and (assuming that these credits do not exceed the limitation under section 904) used to reduce non-preference regular tax liability in 1981 to zero (\$0). That is, \$5,000 of the foreign tax credits earned in 1982 are treated as credits freed up because of D's tax preference items in 1981. Pursuant to the rules set forth herein, D must take into account the foreign tax credits from both 1981 and 1982 in determining to what extent a tax benefit was derived from the preference items used to determine actual regular tax liability in 1981 and in computing the credit reduction amount. When the \$5,000 of foreign tax credits from 1982 are considered, all preferences become non-beneficial preferences, and the credit reduction amount is \$4,010. Assuming that D elects the simplified method, the 1981 freed-up credits and the 1982 freed-up credits will each be reduced by the following percentage:

$$\frac{\$4,010 \text{ (credit reduction amount)}}{\$15,000 \text{ (total freed-up credits)}} = .2673$$

The 1981 freed-up foreign tax credits of \$10,000 are thus reduced by \$2,673 (\$10,000 multiplied by .2673), to \$7,327 and the 1982 freed-up foreign tax credits of \$5,000 are reduced by \$1,334 (\$5,000 multiplied by .2673) to \$3,666. D also files a claim for credit or refund of the \$167 of minimum tax paid in 1981.

**Example 2.** In 1985 corporation E's non-preference regular taxable income was \$25,000. E had no available credits. It paid zero in regular tax, however, because of \$25,000 in preference items. E paid \$2,250 of minimum tax on these preferences ((\$25,000 minus \$10,000) multiplied by .15). In 1986, E has additional investment tax credits. After application of the investment tax credit carryback rules, E would have \$1,000 investment tax credit from 1986 available for use in 1985. E must recompute the adjustments required under this section by treating \$1,000 of these 1986 investment tax credits as carried back and used to reduce non-preference regular tax liability for 1985. Pursuant to the rules of this section, all of these \$1,000 of credits are freed-up credits. Non-beneficial preferences are \$6,667 (\$1,000 grossed up at a 15 percent regular tax rate). Beneficial preferences are \$18,333 (\$25,000 minus \$6,667). Minimum tax on all preferences would be \$2,250 ((\$25,000 minus \$10,000) multiplied by .15); minimum tax on



beneficial preferences would be \$1,250 (\$18,333 minus \$10,000) multiplied by .15). Minimum tax attributable to the non-beneficial preferences is thus \$1,000 (\$2,250 minus \$1,250), which is the credit reduction amount. E thus reduces the \$1,000 of credits carried back to 1985 to zero. Under the rules of this section, the amount of minimum tax due for 1985 is redetermined. It is equal to the minimum tax on beneficial preferences, which, as described above, is \$1,250. Because E paid minimum tax of \$2,250 in 1985, E files a claim for credit or refund for \$1,000 of the minimum tax paid in 1985.

(f) *Treatment of net operating losses.* [Reserved]

Par. 2a. Section 1.58-9T is removed.

## PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 3. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 4. Section 602.101(c) is amended removing the entry for "1.58-9T" and by adding the following entries in the table:

### § 602.101 OMB control numbers under the Paperwork Reduction Act.

* * *	
(c) * * *	
CFR part or section where identified or described	Current OMB control No.
1.58-9(c)(5)(iii)(B).....	1545-1093
1.58-9(e)(3).....	1545-1093

Shirley D. Peterson,  
Commissioner of Internal Revenue.

Approved: April 21, 1992.

[FR Doc. 92-10257 Filed 5-4-92; 8:45 am]

BILLING CODE 4830-01-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1910

RIN 1218-AA82

### Occupational Exposure to Formaldehyde

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Extension of administrative stay.

**SUMMARY:** On December 4, 1987, the Occupational Safety and Health Administration (OSHA) published a final rule in the *Federal Register* on occupational exposure to formaldehyde

(29 CFR 1910.1048, 52 FR 46168). In response to numerous public comments which indicated confusion about the hazard warning provisions of the newly revised Formaldehyde Standard, on December 13, 1988, OSHA announced an administrative stay of paragraphs (m)(1)(i) through (m)(4)(ii) for a period of nine months. OSHA also announced its intention to revoke paragraphs (m)(1)(i) through (m)(1)(ii) and invite comments on replacing them with the Hazard Communication Standard (29 CFR 1910.1200) or another equally protective alternative which would be less confusing to the public (53 FR 50198). The stay was subsequently extended (54 FR 35639, August 29, 1989; 55 FR 24070, June 13, 1990; 55 FR 32616, August 10, 1990; 55 FR 51698, December 17, 1990; 56 FR 10377, March 12, 1991; 56 FR 26909, June 12, 1991; 56 FR 37650, August 8, 1991; 56 FR 57593, November 13, 1991; 57 FR 2681, January 23, 1992).

On July 15, 1991, OSHA published a proposal to resolve several remaining issues on formaldehyde, including those raised by the stayed paragraphs (56 FR 32302). The public was given until August 14, 1991 to comment on the proposal. OSHA plans to publish the final amendments within the next two weeks. Therefore the stay is being extended until June 5, 1992 or 30 days after publication of the revised Formaldehyde Standard, which is later. While this stay is in effect, affected employers must continue to comply with the provisions of OSHA's Hazard Communication Standard.

**EFFECTIVE DATE:** The administrative stay of 29 CFR 1910.1048(m)(1)(i) through (m)(4)(ii) will be effective until June 5, 1992 or 30 days after publication of the revised Formaldehyde Standard, whichever is later.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Foster, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523-8151.

#### Authority and Signature

This document was prepared under the direction of Dorothy L. Strunk, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

This action is taken pursuant to sections 4(b), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1597, 1599; 29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

## List of Subjects in 29 CFR Part 1910

Formaldehyde, Occupational safety and health, Chemicals, Cancer, Health, Risk assessment.

### § 1910.1048 (Stayed in part)

Therefore, 29 CFR 1910.1048(m)(1)(i) through (m)(4)(ii) is stayed until June 5, 1992 or 30 days after the publication of the revised formaldehyde standard, which is later.

Signed at Washington, DC, this 29th day of April 1992.

Dorothy L. Strunk,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 92-10383 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-26-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60 and 61

[FRL-4129-6]

### Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants Delegation of Authority to Western North Carolina

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Delegation of authority.

**SUMMARY:** On July 15, 1991, the Western North Carolina Regional Air Pollution Control Board requested delegation of authority for the implementation and enforcement of the categories of New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS). EPA's review of Western North Carolina's laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these Federal standards. EPA granted the delegation as requested.

**EFFECTIVE DATE:** The effective date of the delegation of authority is February 25, 1992.

**ADDRESSES:** Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency,  
Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.  
Western North Carolina Regional Air Pollution Control Agency, Buncombe County Courthouse, Asheville, North Carolina 28801-3569.



North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management, Air Quality Section, P.O. Box 29535, Raleigh, North Carolina 27616-0535.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the newly delegated standards should not be submitted to the Region IV office, but should instead be submitted to the following address: Mr. Ronald Boone, Director, Western North Carolina Regional Air Pollution Control Agency, Buncombe County Courthouse, Asheville, North Carolina 28801-3569.

**FOR FURTHER INFORMATION CONTACT:** Michelle Patmon, Air Programs Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, and telephone number (404) 347-2864 or (FTS) 257-2864.

**SUPPLEMENTARY INFORMATION:** Section 301, in conjunction with sections 110, 111(c)(1), and 112(d)(1) of the Clean Air Act as amended November 15, 1990, authorize the administrator to delegate his authority to implement and enforce the standards set out in 40 CFR part 60, Standards of Performance for New Stationary Sources (NSPS) and the standards set out in 40 CFR part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS).

After a thorough review of the categories requested for delegation, the Regional Administrator determined that such delegation was appropriate for these source categories with the conditions set forth in the original delegation letter of February 25, 1992.

EPA thereby, delegated its authority for the following:

#### 40 CFR Part 60

1. Subpart D—Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1991.
2. Subpart Da—Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
3. Subpart Db—Industrial-Commercial-Institutional Steam Generating Units except § 60.44b(f), § 60.44b(g), § 60.49b(a)(4).
4. Subpart E—Incinerators.
5. Subpart F—Portland Cement Plants.
6. Subpart G—Nitric Acid Plants.
7. Subpart H—Sulfuric Acid Plants.
8. Subpart I—Hot Mix Asphalt Facilities.
9. Subpart J—Petroleum Refineries except § 60.105(a)(13)(iii), § 60.106(i)(12), (revised in 10/2/90 FR, was § 60.106(g)(12)).

10. Subpart K—Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after June 11, 1973 and Prior to May 19, 1978.

11. Subpart Ka—Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984, except § 60.114a.

12. Subpart Kb—Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, or Modification Commenced after July 23, 1984 except § 60.111b(f)(4), § 60.114b, § 60.116b(e)(3)(iii) and (iv), § 60.116b(f)(2)(iii).

13. Subpart L—Secondary Lead Smelters.

14. Subpart M—Secondary Brass and Bronze Ingot Production Plants.

15. Subpart N—Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

16. Subpart Na—Secondary Emissions From Basic Oxygen Process Steel Facilities.

17. Subpart O—Sewage Treatment Plants except § 60.153(e).

18. Subpart P—Primary Copper Smelters.

19. Subpart Q—Primary Zinc Smelters.

20. Subpart R—Primary Lead Smelters.

21. Subpart S—Primary Aluminum Reduction Plants.

22. Subpart T—Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.

23. Subpart U—Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

24. Subpart V—Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

25. Subpart W—Phosphate Fertilizer Industry: Triple Superphosphate Plants.

26. Subpart X—Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

27. Subpart Y—Coal Preparation Plants.

28. Subpart Z—Ferroalloy Production Facilities.

29. Subpart AA—Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and on or Before August 17, 1983.

30. Subpart AAa—Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.

31. Subpart BB—Kraft Pulp Mills.

32. Subpart CC—Glass Manufacturing Plants.

33. Subpart DD—Grain Elevators.

34. Subpart EE—Surface Coating of Metal Furniture except § 60.316(d).

35. Subpart GG—Stationary Gas Turbines except § 60.334(b)(2), § 60.335(f)(1).

36. Subpart HH—Lime Manufacturing Plants.

37. Subpart KK—Lead-Acid Battery Manufacturing Plants.

38. Subpart LL—Metallic Mineral Processing Plants.

39. Subpart MM—Automobile and Light-Duty Truck Surface Coating Operations.

40. Subpart NN—Phosphate Rock Plants.

41. Subpart PP—Ammonium Sulfate Manufacture.

42. Subpart QQ—Graphic Arts Industry: Publication Rotogravure Printing.

43. Subpart RR—Pressure Sensitive Tape and Label Surface Coating Operations except § 60.446(c).

44. Subpart SS—Industrial Surface Coating: Large Appliances except § 60.456(d).

45. Subpart TT—Metal Coil Surface Coating except § 60.466(d).

46. Subpart UU—Asphalt Processing and Asphalt Roofing Manufacture except § 60.474(g).

47. Subpart VV—Equipment Leaks Of VOC In SOCM except § 60.482-1(c)(2), § 60.484.

48. Subpart WW—Beverage Can Surface Coating Industry except § 60.496(c).

49. Subpart XX—Bulk Gasoline Terminals except § 60.502(e)(6).

50. Subpart BBB—Rubber Tire Manufacturing Industry § 60.543(c)(2)(ii)(B).

51. Subpart FFF—Flexible Vinyl and Urethane Coating and Printing.

52. Subpart GGG—Equipment Leaks of VOC in Petroleum Refineries.

53. Subpart HHH—Synthetic Fiber Production Facilities.

54. Subpart JJJ—Petroleum Dry Cleaners.

55. Subpart KKK—Equipment leaks of VOC from Onshore Natural Gas Processing Plants.

56. Subpart LLL—Onshore Natural Gas Processing; SO<sub>2</sub> Emissions.

57. Subpart OOO—Nonmetallic Mineral Processing Plants.

58. Subpart PPP—Wool Fiberglass Insulation Manufacturing Plants.

59. Subpart QQQ—VOC Emissions from Petroleum Refinery Wastewater Systems.

60. Subpart SSS—Magnetic Tape Coating Facilities except § 60.711(a)(16), § 60.713(b)(1)(i), § 60.713(b)(1)(ii), § 60.713(b)(5)(i), § 60.713(d), § 60.715(a), § 60.716.



61. Subpart TTT—Plastic Parts For Business Machine Coating except § 60.723(b)(1), § 60.723(b)(2)(i)(C), § 60.723(b)(2)(iv), § 60.724(e), § 60.725(b).

62. Subpart VVV—Polymeric Coating of Supporting Substrates Facilities § 60.743(a)(3)(v) (A) and (B), § 60.743(e), § 60.745(a), § 60.746.

#### 40 CFR Part 61

1. Subpart C—Beryllium except § 61.32(b).

2. Subpart D—Beryllium from Rocket Motor Firing.

3. Subpart E—Mercury except § 61.53(c)(4), § 61.55(d).

4. Subpart F—Vinyl Chloride except § 61.66, § 61.67(g).

5. Subpart J—Equipment Leaks (Fugitive Emission Sources) of Benzene except § 61.112(c).

6. Subpart L—Benzene Emissions From Coke By-Product Recovery Plants except § 61.136(d).

7. Subpart M—Asbestos except § 61.149(c)(2), § 61.150(a)(4), § 61.151(c), § 61.152(b)(3), § 61.154(d), § 61.155(a).

8. Subpart N—Inorganic Arsenic Emissions From Glass Manufacturing Plants except § 61.162(e), § 61.163(h), § 61.164(a).

9. Subpart O—Inorganic Arsenic Emissions From Primary Copper Smelters except § 61.174(a).

10. Subpart P—Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.

11. Subpart V—National Emission Standards for Equipment Leaks (Fugitive Emission Source) except § 61.242-1(c)(2), § 61.244.

12. Subpart Y—Benzene Emissions From Benzene Storage Vessels except § 61.273.

The Administrator retains the exclusive right to approve equivalent and alternative test methods, continuous monitoring procedures, and reporting requirements. Therefore, the noted

exceptions in the above sections of the requested NSPS and NESHAPS standards are among the sections which may not be delegated.

The EPA hereby notifies the public that it has delegated the authority over certain NSPS and NESHAPS subparts to the Western North Carolina Regional Air Pollution Control Agency of the State of North Carolina.

The Office of Management and Budget exempted this rule from the requirements of section 3 of Executive Order 12291.

This notice is issued under the authority of sections 101, 110, 111, 112, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 7412, and 7601).

Dated: April 21, 1992.

Patrick M. Tobin,

Acting Regional Administrator

[FR Doc. 92-10426 Filed 5-4-92; 8:45 am]

BILLING CODE 6550-50-M



# Proposed Rules

Federal Register

Vol. 57, No. 87

Tuesday, May 5, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 91-ASW-28]

#### Airworthiness Directives; Bell Helicopter Textron, Inc., Model 206A, 206B, 206L, 206L-1, and 206L-3 Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes the adoption of a new airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 206A, B, L, L-1, and L-3 helicopters. This proposal would require installing a protective mechanical switch guard on the fuel valve switch. This proposal is prompted by reports of airmen inadvertently placing the fuel value switch to the "OFF" position. The actions specified by the proposed AD are intended to require adding an additional piece of hardware to help safeguard against advertentlly placing the fuel value switch to the "OFF" position which could result in an engine failure and a subsequent power-off landing.

**DATES:** Comments must be received by June 19, 1992.

**ADDRESSES:** The applicable service bulletin may be obtained from Bell Helicopter Textron, Inc., Attention: Customer Support, P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas.

Submit comments in triplicate to the Federal Aviation Administration, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ASW-28, 4400 Blue Mound Road, Fort Worth, Texas 76193-0007. Comments may be

inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donovan C. Duncan, Rotorcraft Directorate, Rotorcraft Certification Office, ASW-170, FAA, Southwest Region, Fort Worth, Texas 76193-0170, telephone (817) 624-5315.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-ASW-28." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ASW-28, 4400 Blue Mound Road, Fort Worth, Texas 76193-0007.

##### Discussion

There have been reports of airmen inadvertently placing the fuel value switch to the "OFF" position on certain serial numbered BHTI Model 206A, B, L,

L-1, and L-3 helicopters. The inadvertent selection to the "OFF" position on the fuel value switch could result in an engine flameout, loss of engine power, and a subsequent power-off landing.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to help prevent airmen from inadvertently placing the fuel value switch in the "OFF" position.

Since this condition described is likely to exist on certain helicopters of the same type design, the proposed AD would require installation of a protective mechanical switch guard on certain BHTI Model 206A, B, L, L-1, and L-3 helicopters. The actions would be required to be accomplished in accordance with the accomplishment instructions in Bell Helicopter Textron, Inc., Alert Service Bulletins (ASB) 206-90-54, dated May 31, 1990, and 206L-90-67, Revision A, dated August 5, 1991.

It is estimated that 5,191 helicopter of U.S. registry would be affected by this AD, that it would take approximately one work hour per helicopter to accomplish the required actions, and that the average labor rate is \$55 per workhour. No additional hardware costs will be incurred by the owner/operator since the manufacturer is providing 100% warranty compensation for the replacement part. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$285,505.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the



criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

#### List of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

**Bell Helicopter Textron, Inc. (BHTI):** Docket No. 91-ASW-28.

**Applicability:** Model 206A, serial numbers (S/N) 1 through 660 and 672 through 715; Model 206B, S/N 661 through 4069 and 4071 through 4074; Model 206L, S/N 45001 through 45153 and 46601 through 46617; Model 206L-1, S/N 45154 through 45790; and Model 206L-3, S/N 51001 through 51319, certificated in any category.

**Compliance:** Required as indicated, unless already accomplished.

**Note:** The compliance times of this AD differ from those specified in the referenced BHTI ASB's.

To help prevent inadvertent placement of the fuel switch in the "OFF" position, which could result in an engine failure and a subsequent power-off landing, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, modify the fuel valve switch to add a protective mechanical switch guard by accomplishing the following:

(1) For the Model 206A, S/N 1 through 153, accomplish the requirements listed under Part I of the Accomplishment Instructions in BHTI Alert Service Bulletin (ASB) No. 206-90-54, dated May 31, 1990.

(2) For the Model 206A, S/N 154 through 660 and 672 through 715, accomplish the requirements listed in Part II of the Accomplishment Instructions in BHTI ASB No. 206-90-54, dated May 31, 1990.

(3) For the Model 206B, S/N 661 through 671 and 716 through 913, accomplish the requirements listed in Part II of the Accomplishment Instructions in BHTI ASB No. 206-90-54, dated May 31, 1990.

(4) For the Model 206B, S/N 915 through 4069 and 4071 through 4074, accomplish the

requirements listed in Part III of the Accomplishment Instructions in BHTI ASB No. 206-90-54, dated May 31, 1990.

(5) For the Model 206L, S/N 45001 through 45153 and 46601 through 46617, (VFR equipped only), accomplish the requirements listed in Part I of the Accomplishment Instructions in BHTI ASB No. 206L-90-67, Rev. A, dated August 5, 1991.

(6) For the Model 206L-1, S/N 45154 and 45790, and Model 206L-3, S/N 51001 through 51319, with IFR kit, part number (P/N) 206-705-001-101, installed per BHTI Service Instructions No. 206-2030, accomplish the requirements listed in Part II of the Accomplishment Instructions in BHTI ASB No. 206L-90-67, Rev. A, dated August 5, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Rotorcraft Certification Office, ASW-170, Rotorcraft Directorate, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76193-0170. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on April 20, 1992.

**James D. Erickson,**

*Manager, Rotorcraft Directorate, Aircraft Certificate Service.*

[FR Doc. 92-10402 Filed 5-4-92; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 92-NM-78-AD]

#### Airworthiness Directives; Boeing Model 757 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 757 series airplanes equipped with Pratt and Whitney PW2000 series engines. This proposal would require rework of the flow control tee assembly in the deploy lines on both engine struts, by removal of the poppet valves; installation of a restrictor check valve in the stow and deploy lines on each thrust reverser sleeve; and a functional test of the thrust reverser system. This proposal is prompted by a determination that damage to a thrust reverser actuator piston seal in combination with activation of the thrust reverser auto restow system could result in

uncommanded thrust reverser deployment. The actions specified by the proposed AD are intended to prevent in-flight deployment of one thrust reverser sleeve on one engine, which could result in reduced controllability of the airplane.

**DATES:** Comments must be received by June 22, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-78-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Duven, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2688; fax (206) 227-1181.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed,



stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-78-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-78-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

#### Discussion

A recent review of the thrust reverser actuator system design of Boeing Model 757 series airplanes equipped with Pratt and Whitney PW2000 series engines has revealed that activation of the thrust reverser auto re-stow system, in combination with a damaged thrust reverser actuator piston seal, can cause an increase in hydraulic pressure within one thrust reverser locking actuator. Under these conditions, hydraulic pressure can increase to a level sufficient to unlock a thrust reverser locking actuator, and deploy one thrust reverser sleeve on one engine. Deployment of a thrust reverser sleeve on one engine can occur while the airplane is either in flight or on the ground. This condition, if not corrected, could result in reduced controllability of the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-78A0029, dated February 28, 1992, that describes procedures for rework of the flow control tee assembly in the deploy lines on both engine struts, by removal of the poppet valves; installation of a restrictor check valve in the stow and deploy lines on each thrust reverser sleeve; and a functional test of the thrust reverser system. This modification will prevent hydraulic pressure build-up within the thrust reverser locking actuators, that could occur if the auto-re-stow system is activated, in combination with a damaged thrust reverser actuator piston seal. Hydraulic pressure held below that required to unlock the thrust reverser locking actuators will prevent the possibility of in-flight deployment on one thrust reverser sleeve on one engine.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require rework of the flow control tee assembly in the deploy lines on both engine struts, by removal of the poppet valves; installation of a restrictor check valve in the stow and deploy lines on each thrust reverser sleeve; and a functional test of the thrust reverser

system. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 207 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 189 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts will be provided by Boeing at no charge to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$207,900.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposed to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-78-AD.

Applicability: Boeing Model 757 airplanes equipped with Pratt and Whitney PW2000 series engines; as listed in Boeing Alert Service Bulletin 757-78A0029, dated February 28, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent in-flight deployment of one thrust reverser sleeve on one engine, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 180 days after the effective date of this AD, rework the flow control tee assembly in the deploy lines on both engine struts, by removal of the poppet valves; install a restrictor check valve in the stow and deploy lines on each thrust reverser sleeve; and perform a functional test of the thrust reverser system; in accordance with Boeing Alert Service Bulletin 757-78A0029, dated February 28, 1992.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then sent it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 22, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 92-10404 Filed 5-4-92; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 4

[Notice No. 739]

#### Labeling of Bulk Process Sparkling Wine (90F167P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations in 27 CFR part 4 to permit the use of the phrases "fermented outside the bottle,"



"secondary fermentation outside the bottle," "not fermented in the bottle," or "not bottle fermented," as alternatives to "bulk process" to further describe sparkling wine produced by fermentation in a large closed container. The term "charmat method" may be used as additional information to describe this process, provided it appears immediately before or after one of the above mentioned phrases. In addition, ATF proposes to establish a clearer standard with respect to placement and type size requirements applicable to the optional designation on sparkling wine labels.

**DATES:** Written comments must be received on or before July 6, 1992.

**ADDRESSES:** Send written comments to: Chief, Wine and Beer Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091-0221; Attn: Notice No. 739.

**FOR FURTHER INFORMATION CONTACT:** James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20091 (202-927-8230).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), vests broad authority in the Director of ATF, as a delegate of the Secretary of the Treasury, to prescribe regulations intended to prevent deception of the consumer, and to provide the consumer with adequate information as to the identity and quality of the product. The legislative history of the FAA Act shows that Congress intended to grant broad rulemaking authority to ensure that labels on alcoholic beverages provide consumers with adequate information about the product. In hearings before the House Ways and Means Committee on H.R. 8539, 74th Cong., 1st Sess., Joseph Choate, Director of the Federal Alcohol Control Administration, stated with respect to regulations to be promulgated:

Those regulations were intended to insure that the purchaser should get what he thought he was getting, that representations both in labels and in advertising should be honest and straightforward and truthful. They should not be confined, as the pure-food regulations have been confined, to prohibitions of falsity, but they should also provide for the information of the consumer, that he should be told what was in the bottle, and all the important factors which were of interest to him about what was in the bottle. Record of hearing, June 19 and 20, 1935, p. 10.

Regulations which implement the provisions of section 105(e), as they

relate to wine, are set forth in title 27, Code of Federal Regulations (CFR), part 4. Subpart C of part 4 sets forth the standards of identity for wine for labeling and advertising purposes. The current labeling regulations, 27 CFR 4.21(b)(2), provide that "champagne" is a type of sparkling light wine which derives its effervescence solely from the secondary fermentation of the wine in bottles of not greater than one gallon capacity, and which possesses the taste, aroma, and other characteristics attributed to champagne as made in the Champagne District of France. Pursuant to § 4.34(a), the type designation "champagne" may appear on the label in lieu of the class designation "sparkling wine."

Section 4.21(b)(3) provides that a sparkling light wine which derives its effervescence from the secondary fermentation of the wine in containers larger than a one gallon bottle, and having the taste, aroma, and characteristics generally attributed to champagne may, in addition to but not in lieu of the required class designation "sparkling wine," be further designated as "champagne style" or "champagne type" or "American (or New York State, California, etc.) champagne-bulk process." As further specified in the regulation:

\* \* \* all the words in such further designation shall appear in lettering of substantially the same size and such lettering shall not be substantially larger than the words 'sparkling wine.'

##### **II. Alternative Terminology to "Bulk Process"**

As indicated, sparkling wines are made naturally effervescent by secondary fermentation in closed containers. "Champagne" is a type of sparkling wine that begins as a table wine to which yeast and sugar are added. This induces a secondary fermentation. The wine is then placed in bottles which are closed securely to withstand the pressure that develops as a result of the fermentation. This secondary fermentation accounts for the bubbles in the wine. In producing bulk process sparkling wine having the characteristics generally attributed to champagne, the secondary fermentation occurs in large glass-lined containers instead of in individual bottles.

Historically, it has been ATF's position that there is a difference in identity between champagne produced by secondary fermentation within a bottle and sparkling wine having the characteristics generally attributed to champagne which has been produced by secondary fermentation in a container larger than a one gallon bottle. Since

ATF believes that the consumer is interested in knowing which production process was used in the fermentation of sparkling wine, ATF has required that the labels of these products make a distinction between the two methods of secondary fermentation. The primary designation that is currently allowed in the regulations to describe the method by which sparkling wine is produced by fermentation in a large closed container is "bulk process."

Recently, several domestic producers of bulk process sparkling wines requested greater flexibility in the labeling of sparkling wines. ATF agrees that greater flexibility in the labeling of sparkling wine where secondary fermentation occurs outside the bottle is necessary. As previously mentioned, the purpose of the labeling provisions of the FAA Act is to provide the consumer with adequate information as to the identity and quality of the product. ATF believes that there are other terms which accurately describe and explain the production process to the consumer in language which is simple and easy to understand. ATF is thus proposing to allow the phrases "fermented outside the bottle," "secondary fermentation outside the bottle," "not fermented in the bottle," or "not bottle fermented," as alternatives to the phrase "bulk process" to further describe sparkling wine produced by fermentation in a large closed container.

The term "charmat method" (named after the Frenchman who developed the bulk process technique in the early 1900s) may be used as additional information to describe this process, provided it appears immediately before or after one of the above mentioned phrases.

ATF believes that consumers will understand that these terms describe the same process, and that the use of any of these terms on the label will adequately inform consumers that the sparkling wine was not produced by bottle fermentation. Therefore, ATF believes that the use of these terms on a sparkling wine label would not result in any consumer confusion or deception. In addition, the proposed alternative phrases will provide the industry with additional flexibility in designing their labels.

##### **III. Proposed Amendments to § 4.21(b)(3)**

In reviewing numerous certificates of label approval for bulk process sparkling wines having the characteristics generally attributed to champagne, ATF has observed that on a number of labels the word "champagne" appears more prominently and



conspicuously than the words "bulk process" and the mandatory designation "sparkling wine." While these labels are in compliance with current regulations, since the word "champagne" is not substantially larger than the words "sparkling wine," ATF believes that such labels could result in consumer confusion regarding the true identity of the product. Accordingly, ATF is proposing an amendment to § 4.21(b)(3). The proposed amendment is intended to provide industry members with specific guidelines concerning the labeling of bulk process sparkling wine.

#### A. Wording and Placement

ATF is proposing that bulk process sparkling wine having the characteristics generally attributed to champagne may, in addition to but not in lieu of the class designation "sparkling wine," be further designated as (1) "champagne style" or (2) "champagne type" or (3) "champagne," together with an appropriate appellation of origin such as "American," "New York," "Napa Valley," or "Chilean," disclosing the true place of origin of the wine. The appellation of origin shall immediately precede the word "champagne" on the same line or the immediately preceding line. As it relates to (3), one of the following terms shall appear together with the word "champagne": "bulk process," "fermented outside the bottle," "secondary fermentation outside the bottle," "not fermented in the bottle," or "not bottle fermented." The term used shall immediately follow the word "champagne" on the same line or the immediately following line. In addition, the term "charmat method" may be used, provided it appears immediately before or after one of the previously mentioned phrases (e.g., "fermented outside the bottle").

All the words in such further designation must appear together without any intervening graphics, words, etc. In the case of (3), however, a mark of some sort (e.g., a dash) may appear between the word "champagne" and the remainder of the designation as, for example, "American champagne-fermented outside the bottle."

ATF does not believe that it is necessary for the further designation to appear together with the words "sparkling wine." As specified in the current regulations, the class designation "sparkling wine" must appear on the brand (front) label, readily legible, in the appropriate minimum size of type, and on a contrasting background. In view of this, ATF believes that the consumer will be

adequately informed as to the identity of the product.

#### B. Size of Type

In its review of approved labels for bulk process sparkling wines, ATF observed that the word "champagne" often appeared more prominently and conspicuously than the words "bulk process" and "sparkling wine." As a result, ATF believes that consumers may erroneously conclude that the product is bottle fermented "Champagne," rather than sparkling wine having the characteristics generally attributed to champagne that has been fermented in a large closed container.

Section 4.21(b)(3) currently provides that all the words in the further designation must appear "in lettering of substantially the same size and such lettering shall not be substantially larger than the words 'sparkling wine.'" ATF has found that there is confusion in the industry as to what is meant by the requirement that all of the words in the further designation must be of "substantially the same size." Similarly, the requirement that the further designation be in lettering not "substantially larger than the words 'sparkling wine'" provided insufficient guidance to the industry as to the differences in type sizes which would be allowable. In order to address these problems, ATF believes that specific guidelines relative to type size requirements are necessary.

Therefore, the Bureau is proposing that on labels of bulk process sparkling wine, all the words in the further designation, including the appellation of origin, shall appear in lettering that is not smaller than the word "champagne" by more than 1 millimeter. For example, if the word "champagne" appears in 4 millimeters, the remaining words in the further designation (e.g., "fermented outside the bottle") may appear in printing no smaller than 3 millimeters. With regard to the appellation of origin, labels must conform to these more specific requirements relating to size and type rather than the general requirements provided for in § 4.34(b).

In addition, all the words in the optional term "charmat method," shall appear in lettering that is not larger than the words "sparkling wine" by more than 1 millimeter. For example, if the designation "sparkling wine" appears in 4 millimeters, the words in the further designation, and the optional term "charmat method," may not appear in lettering larger than 5 millimeters.

ATF believes that these standards provide better guidance to the industry

as to allowable type sizes, while prescribing clear limitations for the size of the word "champagne" on labels of bulk process sparkling wine. It should be noted that, as mandatory information, the class designation "sparkling wine" must appear in a minimum type size of two millimeters on labels of containers of more than 187 millimeters, and one millimeter on containers of 187 millimeters or less. However, if the words "sparkling wine" appear in the further designation, the script, type, or printing of "sparkling wine" shall be in conformity with § 4.38(b).

Furthermore, in its review of approved labels for bulk process sparkling wines, ATF has found that occasionally the unqualified word "champagne" has appeared on the neck and back labels, while the entire optional designation set forth in the regulations has appeared on the brand label. ATF believes that the prominent display of the word "champagne," without any further qualification, may mislead the consumer as to the origin and method of production of the sparkling wine. On the other hand, the word "champagne" may be used as part of an explanatory text, usually on the back label, which is not misleading because of its context. For example, the explanatory text may not use the exact wording of the optional designation as set forth in the regulations, but it still may adequately set forth, in different language, the origin and method of production of the sparkling wine at issue.

Thus, ATF is proposing that the word "champagne" shall only appear on a label of bulk process sparkling wine where it is qualified by a further designation, in accordance with § 4.21(b)(3)(i), (ii) and (iii), or where the word appears as part of an explanatory text which the Director finds is not misleading as to the origin or method of production of the sparkling wine. ATF believes that this proposal will allow industry members to retain some flexibility in the use of the term "champagne" as part of an explanatory text given as additional information on the label, while ensuring that the consumer will not be misled as to the origin or method of production of the sparkling wine.

Finally, in order to provide the industry with sufficient time to make label revisions, ATF is also proposing that any regulations issued pursuant to a final rule will become effective 1 year from the date of publication in the Federal Register.



#### IV. Enforcement of Existing Regulations

ATF realizes that there is confusion in the industry regarding the requirements of the current regulations. This confusion has been compounded by the fact that a certain segment of the industry has chosen to stress a very strict construction of ATF's regulation in their review of existing champagne labels. ATF recognizes that the current regulation is susceptible of differing interpretations in view of the vague standard set forth for the bulk process disclosure.

More specifically, the regulation requires that all the words in such further designation "appear in lettering of substantially the same size and such lettering shall not be substantially larger than the words 'sparkling wine.'" Accordingly, whether a particular label complies with the existing regulations will depend upon a subjective determination as to whether the proposed disclosure meets the regulation standard. ATF firmly believes that regardless of the position endorsed, whether it be a rigid or liberal construction of the regulation standard, all bulk process champagne is clearly labeled as such.

It has been ATF's long-standing position that the term "bulk process" must appear together with the word "champagne" so as to inform the consumer as to the identity of the product. Furthermore, it is ATF's position that determinations concerning compliance of a label are based on the label as a whole, taking into consideration all facets of the label, such as the size of type of the required information, positioning, and boldness of the type. If a label tends to create a misleading or deceptive impression as to the actual identity of the product ATF has, and will continue to, reject such labels.

Consistent with the above, ATF will continue enforcement of this position during the pendency of this rulemaking process.

#### Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291, and a regulatory impact analysis is not required because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity,

innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget (OMB) for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). The estimated average burden associated with this collection of information is 0 hours per respondent or recordkeeper because this requirement is usual and customary for wine producers. However, due to OMB guidelines 1 burden hour will be shown for this requirement. Comments concerning the accuracy of this burden estimate should be directed to Reports Management Officer, Information Program Branch, room 3110, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, and the Office of Management and Budget, Paperwork Reduction Project (1512-0482) Washington, DC 20503.

#### Public Participation

ATF requests comments from all interested persons concerning the amendment proposed by this notice. In addition to comments regarding this specific proposal, ATF is soliciting comments regarding other terms that may be used as an appropriate description of sparkling wine produced by secondary fermentation outside the bottle. Although ATF has proposed specific regulatory language, this notice is also intended to solicit public comments on alternative terms for use on labels. ATF is also requesting comments on the proposed type size requirements with respect to the words in the optional designation.

Comments received on or before the closing date will be carefully considered. Comments received after

that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the rights in light of all circumstances, to determine if a public hearing is necessary.

#### Disclosure

Copies of this notice and the written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, room 6480, 650 Massachusetts Avenue, NW, Washington, DC.

#### Drafting Information

The author of this document is James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, and Wine.

#### Authority and Issuance

27 CFR Part 4—Labeling and Advertising of Wine is amended as follows:

#### PART 4—[AMENDED]

**Paragraph 1.** The authority citation for 27 CFR part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

**Par. 2.** Section 4.21(b)(3) is revised to read as follows:

#### § 4.21 The standards of identity.

\* \* \* \* \*

(b) *Class 2; sparkling grape wine.*

\* \* \*

(3)(i) A sparkling light wine having the taste, aroma, and characteristics generally attributed to champagne but not otherwise conforming to the standard for "champagne" may, in addition to but not in lieu of the class



designation "sparkling wine," be further designated as:

(A) "champagne style;" or  
(B) "champagne type;" or  
(C) "champagne," together with an appellation of origin such as "American," "New York," "Napa Valley," or "Chilean," disclosing the true place of origin of the wine, and one of the following terms: "bulk process," "fermented outside the bottle," "secondary fermentation outside the bottle," "not fermented in the bottle," or "not bottle fermented." The appellation of origin shall immediately precede the word "champagne" on the same line or the immediately preceding line. The term "charmat method" may be used as additional information, provided it appears immediately before or after one of the phrases specified in this paragraph, e.g., "fermented outside the bottle." The remaining words in the further designation shall immediately follow the word "champagne" on the same line or the immediately following line.

(ii) All the words in such further designation shall appear together without any intervening graphics, words, etc.; *Provided*, That in the case of paragraph (b)(3)(i)(C) of this section, a dash or some other mark may appear after the word "champagne," e.g., "American champagne-fermented outside the bottle."

(iii) All the words in such further designation shall appear in lettering that is not smaller than the word "champagne" by more than 1 millimeter. In addition, all the words in the further designation, as well as the optional term "charmat method," shall appear in lettering that is not larger than the words "sparkling wine" by more than 1 millimeter.

(iv) The word "champagne" shall only appear on a label where it is qualified by a further designation, in accordance with paragraphs (b)(3)(i), (ii), and (iii) of this section, or where the word appears as part of an explanatory text which the Director finds is not misleading as to the origin or method of production of the sparkling wine.

\* \* \*  
Signed: April 20, 1992.

Stephen E. Higgins,  
Director.

Approved: April 24, 1992.  
John P. Simpson.

Acting Assistant Secretary (Enforcement).  
[FR Doc. 92-10571 Filed 5-4-92; 8:45 am]

BILLING CODE 4810-31-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[WV-4-1-5304; FRL-4129-7]

### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Regulations Controlling Volatile Organic Compound Emissions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve State implementation plan (SIP) revisions submitted by the State of West Virginia. These revisions consist of revised regulations for the control of volatile organic compound (VOC) emissions in Putnam, Kanawha, Wood, Cabell, Wayne and Greenbrier Counties, and the Valley Magisterial District of Fayette County. The intended effect of this action is to propose approval of VOC regulations that West Virginia submitted in response to EPA's November 8, 1989 SIP Call letter. This action is being taken pursuant to section 110 and part D of the Clean Air Act.

**DATES:** Comments must be received on or before June 4, 1992. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

**ADDRESSES:** Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation & Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation & Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline R. Lewis, 3AT13, at the above listed EPA Region III address. Phone: (215) 597-6863.

**SUPPLEMENTARY INFORMATION:** On June 4, 1991 the West Virginia Air Pollution Control Commission (WVAPCC) submitted proposed revisions to the West Virginia SIP. The proposed revisions consist of revised regulations for the control of VOC emissions in

Series 21, 23 and 24 of West Virginia's Air Pollution Control Laws.

### Background

On November 8, 1989, EPA sent a "SIP call" letter to Gaston Caperton, Governor of West Virginia, notifying him that the West Virginia SIP was substantially inadequate to achieve the National Ambient Air Quality Standard (NAAQS) for ozone in Putnam, Kanawha, and Greenbrier Counties. Through a SIP call, EPA makes a finding that the SIP does not provide for attainment of the NAAQS and EPA requires the State to revise the SIP to correct the inadequacies. In response to the SIP call letter, the state was required to (1) correct identified deficiencies in the existing SIP's VOC regulations, (2) adopt VOC regulations previously required or committed to but never adopted, and (3) update the area's base year emissions inventory. On December 1, 1989, EPA sent a letter to the Director of WVAPCC outlining specific corrections to West Virginia's existing VOC regulations necessary to eliminate the deficiencies and inconsistencies in the regulations identified in the November 8, 1989 SIP call.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. § 7401-7671q. Pursuant to section 107(d), the counties of Greenbrier, Putnam, Kanawha, Cabell, Wayne and Wood were designated nonattainment in a November 6, 1991 Federal Register notice, with an effective date of January 6, 1992. 56 FR 56694. Putnam, Kanawha, Cabell, Wayne, and Wood Counties are classified as moderate ozone nonattainment areas. Greenbrier County is classified as a marginal nonattainment area. Fayette County, which includes the Valley Magisterial District was designated unclassifiable/attainment. 56 FR 56849. Under the amended Act, those areas designated nonattainment and classified as moderate must adopt RACT for sources covered by a pre- or post-amendment CTG and for major sources of VOC emissions that are not covered by a CTG. Section 182(b)(2). The West Virginia SIP submittal fulfills this requirement for source categories covered by three pre-amendment CTGs—bulk gasoline terminals, petroleum refineries, and storage of petroleum liquids in fixed roof tanks. Areas not classified as moderate or more serious are not subject to this RACT requirement. Therefore, Greenbrier and Fayette County (including the Valley Magisterial



District) are not subject to the section 182(b)(2) requirement.

#### Content of Revised Regulations

The WVAPCC made amendments to Series 21, "Regulations to Prevent and Control Air Pollution From the Emissions of Volatile Organic Compounds From the Storage of Petroleum Liquids in Fixed Roof Tanks," Series 23, "Regulations to Prevent and Control Air Pollution From the Emissions of Volatile Organic Compounds From Bulk Gasoline Terminals," and Series 24, "Regulations to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Petroleum Refinery Sources" of West Virginia's Air Pollution Control Laws. Those amendments consist of the following:

1. Series 21, 23, and 24 were amended to extend their applicability to include Wood, Cabell, Wayne, and Greenbrier Counties, in addition to Putnam County, Kanawha County and the Valley Magisterial District of Fayette County.

2. Section 3 in Series 21, 23, and 24 was amended by updating the definition of the following terms to reflect current EPA guidance: a. VOC; b. Vapor Control System. The most notable of these was the revised definition of VOC. The new definition deletes vapor pressure as a criterion for determining whether or not an organic compound is a VOC, and includes as a VOC any organic compound which is "involved in atmospheric photochemical reactions." Also, several compounds, exempted from EPA's definition of VOC, were exempted from West Virginia's definition to make it consistent with EPA's definition.

3. Section 3 in Series 21, 23, and 24 was also amended by eliminating the following terms, since the term VOC will be used exclusively to refer to those organic compounds which contribute to ozone formation: a. Hydrocarbon; b. Organic Material.

4. Section 4 in Series 21, 23, and 24 was amended by eliminating provisions which allowed for the use of alternative control systems without EPA approval. The old text of subsection 4.4 was replaced with the requirement that once a source exceeds the applicability cutoff, it will always be subject to the applicable emission limitations of the above regulations regardless of its future emissions.

5. Section 7 in Series 21, 23, and 24 was amended by requiring all sources to keep records for at least two years.

6. Section 8 in Series 21, 23, and 24 was amended by replacing the entire section, which had allowed sources to establish compliance programs without

EPA approval. The old text of section 8 in these Series was replaced with new text requiring that any affected sources previously not subject to the requirements of Series 21, 23 and 24, and any sources that previously complied with the requirements of Series 21, 23 and 24 but as a result of amendments to these regulations are required to make major process changes as determined by the commission, shall develop and submit an acceptable program to the commission to comply with Series 21, 23 and 24 as amended within sixty (60) days of the effective date of the amendments to these regulations. No compliance program shall exceed one year from the effective date of the amended regulation unless it can be demonstrated to the commission that compliance within one year is technically or economically infeasible. The commission may issue an order for additional time for compliance up to three years from the effective date of the amended regulations. All such orders shall be issued only after notice and the opportunity for comment is afforded to the public. For purposes of federal enforcement, in the case of any major stationary source, no such order issued by the commission shall be federally approved until the Administrator of U.S. EPA determines that the order was issued in accordance with the requirements of Section 8 and the applicability provisions of the federal Clean Air Act, and in the case of any source other than a major stationary source, any such order of the commission shall cease to be federally approved upon a finding by the Administrator of the U.S. EPA that it was not issued in accordance with the requirements of Section 8 or of the federal Clean Air Act.

7. For clarity, an enforceability section was added to section 11, in Series 21 and 23, and section 10, in Series 24, to ensure that all references to the commission and/or director of WVAPCC, shall also mean the Administrator of the U.S. EPA.

The WVAPCC made the following specific changes to Series 21, "Regulations to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From the Storage of Petroleum Liquids in Fixed Roof Tanks," in addition to the above mentioned general amendments.

1. Series 21, section 1—General. Subsection 1.1 was amended to further define the scope of Series 21 by including specific emission cut-off limit for the regulation.

2. Series 21, section 4—Control and Prohibition of Emissions. Paragraph 4.1.b. was amended to make clear that

an 85 percent emissions reduction is required for all vapor control systems. For clarity, two new paragraphs were added to subsection 4.2. They include the following control measures:

(a) Each seal shall be intact and uniformly in place around the circumference of the cover between the cover and the tank wall; and

(b) The cover shall be uniformly floating on or above the liquid and there shall be no visible defects in the surface of the cover or liquid accumulated on the cover;

3. Series 21, section 7—Inspection, Reports, and Testing. Subsection 7.1, regulating inspections, was amended to require visual inspection of the floating cover through a roof hatch at least once every six months. Also, complete visual inspection of the floating roof and seal are to be conducted once per year, which will consist of an external evaluation and an internal check of seal integrity with the use of mirrors, or an equivalent, through the roof hatches; and, a complete internal inspection of the floating roof and seal are to be conducted whenever the tank is emptied for nonoperational reasons.

The WVAPCC made the following specific changes to Series 23, "Regulations to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds From Bulk Gasoline Terminals."

1. Series 23, section 3—Definitions. The following definitions were amended in section 3 to reflect current EPA guidance: a. Gasoline; b. Reid Vapor Pressure.

2. Series 23, section 4—Control Prohibition of Emissions. Subparagraph 4.2(a)(1) was amended to make clear that a 90 percent emissions reduction is required of all vapors and gases recovered from the equipment being controlled. Subparagraph 4.2(a)(3) was deleted, and Subparagraph 4.2(a)(2) was amended to make clear that vapor collected in vapor collection systems must be directed to a fuel gas system or incinerator.

3. Series 23, section 7—Reports and Testing. Subsections 7.4 and 7.5 were amended by incorporating EPA-approved test methods for determining the efficiency of control devices for vapor-tight conditions, (i.e., procedures in Appendix B of EPA-405/2-78-051) and determining the mass emission rate of control devices, (i.e. procedures in Appendix A of EPA-450/2-77-026), respectively.

#### EPA Evaluation

EPA's review of the SIP submittal indicates that West Virginia has fulfilled



the RACT "Catch-up" requirement of section 182(b)(2) as it applies to Putnam, Kanawha, Cabell, Wayne and Wood Counties for bulk gasoline terminals, petroleum refineries, and storage of petroleum liquids in fixed roof tanks. Moreover, West Virginia has strengthened the SIP as it applies to Greenbrier County and the Valley Magisterial District of Fayette County. EPA is proposing to approve to West Virginia SIP revisions containing the revised rules for volatile organic compound (VOC) emissions in Series 21, 23 and 24 of West Virginia's Air Pollution Control Laws, which were submitted on June 4, 1991.

The State of West Virginia certified that public hearings with regard to this proposed revision were held on June 5, 1990, in Charleston, West Virginia as required by 40 CFR 51.102.

EPA is soliciting public comments on the issues discussed in this notice. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this notice.

A more detailed description of EPA's evaluation on each of the above regulatory changes is presented in the Technical Support Document that has been prepared for these revisions. That document is available for public inspection at the location provided in the ADDRESSES section of this notice.

#### Proposed Action

EPA is proposing to approve revisions to the West Virginia SIP submitted on June 4, 1991 by the WVAPCC as meeting

the RACT catch-up requirement of section 182(b)(2) as it applies to Putnam, Kanawha, Cabell, Wayne and Wood Counties. In addition, EPA is approving the June 4, 1991, submittal as strengthening the SIP as it applies to Greenbrier County and the Valley Magisterial District of Fayette County. These revisions include amendments to Series 21, "Regulations to Prevent and Control Air Pollution From the Emissions of Volatile Organic Compounds From the Storage of Petroleum Liquids in Fixed Roof Tanks," Series 23, "Regulations to Prevent and Control Air Pollution From the Emissions of Volatile Organic Compounds From Bulk Gasoline Terminals," and Series 24, "Regulations to Prevent and Control Air Pollution From the Emission of Volatile Organic Compounds from Petroleum Refinery Sources," of West Virginia's Air Pollution Control Laws which make those regulations consistent with EPA guidance.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

This action proposes approval of revisions made to the West Virginia SIP which consists of amendments to Series 21, 23, and 24, of West Virginia's Air Pollution Control Laws and has been classified as a Table 2 action by the Regional Administrator under procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget has waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The Office of Management and Budget has agreed to continue the temporary waiver until such time as it rules on EPA's request.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(1)(A)-(K) and 110(a)(8) and part D of the Clean Air Act, as amended, the EPA regulations in 40 CFR part 51.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: April 21, 1992.

Edwin B. Erickson,

Regional Administrator, Region III.

[FR Doc. 92-10427 Filed 5-4-92; 8:45 am]

BILLING CODE 6560-50-M



# Notices

Federal Register

Vol. 57, No. 87

Tuesday, May 5, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Newspapers Used for Publication of Legal Notice of Appealable Decisions for Pacific Northwest Region, Oregon and Washington

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice lists the newspapers that will be used by all ranger districts, forests, and the Regional Office of the Pacific Northwest Region to publish legal notice of all decisions subject to appeal under 36 CFR 217. This action is necessary to implement the Secretary of Agriculture's final rule amending the Forest Service administrative appeal procedures, which was signed on December 5, 1990 and was published in the *Federal Register* on February 6, 1991 (56 FR 4914). The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices of decisions, thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the appeals process.

**DATES:** Publication of legal notices in the listed newspapers will begin with decisions subject to appeal that are made on or after April 30, 1992. The list of newspapers will remain in effect until October 1992 when another notice will be published in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:** James L. Schuler, Regional Appeals Coordinator, Pacific Northwest Region, P.O. Box 3623, Portland, OR 97208-3623, phone: (503) 326-2322.

**SUPPLEMENTARY INFORMATION:** On December 5, 1990, the Deputy Secretary of Agriculture signed a final rule amending the administrative appeal procedures 36 CFR part 217 of the Forest

Service to require publication of legal notice in a newspaper of general circulation of all decisions subject to appeal. This newspaper publication of notices of decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested and affected by a specific decision.

The legal notice is to identify: The decision by title and subject matter; the date of the decision; the name and title of the official making the decision; and how to obtain copies of the decision. In addition, the notice is to state the date the appeal period begins is the day following publication of the notice.

In addition to the principal newspaper listed for each unit, some forest supervisors and district rangers have listed newspapers providing additional notice of their decisions. The timeframe for appeal shall be based on the date of publication of the notice in the first (principal) newspaper listed for each unit.

The newspapers to be used are as follows:

#### Pacific Northwest Regional Office

Pacific Northwest Regional Forester decisions on Oregon National Forests:

The Oregonian, Portland, Oregon

Pacific Northwest Regional Forester decisions on Washington National Forests:

The Seattle Post-Intelligencer, Seattle, Washington

Columbia Gorge National Scenic Area Manager decisions:

The Oregonian, Portland, Oregon

Newspapers providing additional notice for Area Manager decisions:

Hood River News, Hood River, Oregon

The Dallas Chronicle, Dallas, Oregon

Columbian, Vancouver, Washington

#### Oregon National Forests

##### Deschutes National Forest

Deschutes Forest Supervisors decisions:

The Bulletin, Bend, Oregon

Bend District Ranger decisions:

The Bulletin, Bend, Oregon

Crescent District Ranger decisions:

The Bulletin, Bend, Oregon

Fort Rock District Ranger decisions:

The Bulletin, Bend, Oregon

Sister District Ranger decisions:

Sisters Nugget, Sisters, Oregon

Bend Pine Nursery Managers decisions:

The Bulletin, Bend, Oregon

Redmond Air Center Managers decisions:

The Bulletin, Bend, Oregon

##### Fremont National Forest

Fremont Forest Supervisor decisions:

Herald and News, Klamath Falls, Oregon  
Newspapers providing additional notice for  
Fremont Forest Supervisor decisions:

Lake County Examiner, Lakeview, Oregon  
The Bulletin, Bend, Oregon

Bly District Ranger decisions:

Herald and News, Klamath Falls, Oregon

Lakeview District Ranger decisions:

Lake County Examiner, Lakeview, Oregon

Paisley District Ranger decisions:

Lake County Examiner, Lakeview, Oregon

Silver Lake District Ranger decisions:

Herald and News, Klamath Falls, Oregon

Newspaper providing additional notice of

Silver Lake decisions:

The Bulletin, Bend, Oregon

##### Malheur National Forest

Malheur Forest Supervisor decisions:

Blue Mountain Eagle, John Day, Oregon

Bear Valley District Ranger decisions:

Blue Mountain Eagle, John Day, Oregon

Burns District Ranger decisions:

Burns Times Herald, Burns, Oregon

Long Creek District Ranger decisions:

Blue Mountain Eagle, John Day, Oregon

Prairie City District Ranger decisions:

Blue Mountain Eagle, John Day, Oregon

##### Mt. Hood National Forest

Mt. Hood Forest Supervisor decisions:

The Oregonian, Portland, Oregon

Barlow District Ranger decisions:

The Oregonian, Portland, Oregon

Bear Springs District Ranger decisions:

The Oregonian, Portland, Oregon

Clackamas District Ranger decisions:

The Oregonian, Portland, Oregon

Columbia Gorge District Ranger decisions:

The Oregonian, Portland, Oregon

Estacada District Ranger decisions:

The Oregonian, Portland, Oregon

Hood River District Ranger decisions:

The Oregonian, Portland, Oregon

Zigzag District Ranger decisions:

The Oregonian, Portland, Oregon

##### Ochoco National Forest

Ochoco Forest Supervisor decisions:

The Bulletin, Bend, Oregon

Newspapers providing additional notice of

Ochoco Forest Supervisor decisions:

Burns Times/Herald, Burns, Oregon

Central Oregonian, Prineville, Oregon

Big Summit District Ranger decisions:

The Bulletin, Bend, Oregon

Crooked River National Grassland District

Ranger decisions:

The Bulletin, Bend, Oregon

Newspapers providing additional notice of

Grassland decisions:

Madras Pioneer, Madras, Oregon

Paulina District Ranger decisions:

The Bulletin, Bend, Oregon

Newspapers providing additional notice of

Paulina decisions:

Blue Mountain Eagle, John Day, Oregon

Prineville District Ranger decisions:

The Bulletin, Bend, Oregon



Newspapers providing additional notice of  
Prineville decisions:

Central Oregonian, Prineville, Oregon  
Snow Mountain District Ranger decisions:  
The Bulletin, Bend, Oregon

Newspapers providing additional notice of  
Snow Mountain decisions:  
Burns Times/Herald, Burns, Oregon

#### *Rogue River National Forest*

Rogue River Forest Supervisor decisions:

Mail Tribune, Medford, Oregon  
Applegate District Ranger decisions:  
Mail Tribune, Medford, Oregon  
Ashland District Ranger decisions:  
Mail Tribune, Medford, Oregon  
Butte Falls District Ranger decisions:  
Mail Tribune, Medford, Oregon  
J. Herbert Stone Nursery Managers decisions:  
Mail Tribune, Medford, Oregon  
Prospect District Ranger decisions:  
Mail Tribune, Medford, Oregon

#### *Siskiyou National Forest*

Siskiyou Forest Supervisor decisions:  
Grants Pass Courier, Grants Pass, Oregon  
Chetco District Ranger decisions:  
Curry Coastal Pilot, Brookings, Oregon  
Galice District Ranger decisions:  
Grants Pass Courier, Grants Pass, Oregon  
Gold Beach District Ranger decisions:  
Curry County Reporter, Gold Beach,  
Oregon

Illinois Valley District Ranger decisions:  
Grants Pass Courier, Grants Pass, Oregon  
Powers District Ranger decisions:  
The World, Coos Bay, Oregon

Newspaper providing additional notice of  
Powers decisions:  
Curry County Reporter, Gold Beach,  
Oregon

#### *Siuslaw National Forest*

Siuslaw Forest Supervisor decisions:  
Corvallis Gazette-Times, Corvallis, Oregon  
Alsea District Ranger decisions:  
Corvallis Gazette-Times, Corvallis, Oregon  
Hebo District Ranger decisions:  
Headlight Herald, Tillamook, Oregon  
Mapleton District Ranger decisions:  
Siuslaw News, Florence, Oregon  
Oregon Dunes National Recreation Area  
Manager decisions:  
The World, Coos Bay, Oregon  
Waldport District Ranger decisions:  
Newport News Times, Newport, Oregon

#### *Umatilla National Forest*

Umatilla Forest Supervisor decisions:  
East Oregonian, Pendleton, Oregon  
Heppner District Ranger decisions:  
East Oregonian, Pendleton, Oregon  
North Fork John Day District Ranger  
decisions:  
East Oregonian, Pendleton, Oregon  
Pomeroy District Ranger decisions:  
East Oregonian, Pendleton, Oregon  
Walla Walla District Ranger decisions:  
East Oregonian, Pendleton, Oregon

#### *Umpqua National Forest*

Umpqua Forest Supervisor decisions:  
The News-Review, Roseburg, Oregon  
Cottage Grove District Ranger decisions:  
The News-Review, Roseburg, Oregon  
Diamond Lake District Ranger decisions:  
The News-Review, Roseburg, Oregon

North Umpqua District Ranger decisions:

The News-Review, Roseburg, Oregon  
Tiller District Ranger decisions:  
The News-Review, Roseburg, Oregon  
Dorena Tree Improvement Center Manager  
decisions:  
The News-Review, Roseburg, Oregon

#### *Wallowa-Whitman National Forest*

Wallowa-Whitman Forest Supervisor  
decisions:

Baker City Herald, Baker City, Oregon  
Baker District Ranger decisions:  
Baker City Herald, Baker City, Oregon  
Eagle Cap District Ranger decisions:  
Wallowa County Chieftain, Enterprise,  
Oregon

Hells Canyon National Recreation Area  
Ranger decisions:

Occurring in Oregon—  
Wallowa County Chieftain, Enterprise,  
Oregon

Occurring in Idaho—

Lewiston Morning Tribune, Lewiston, ID  
La Grande District Ranger decisions:  
The Observer, La Grande, Oregon  
Pine District Ranger decisions:  
Baker City Herald, Baker City, Oregon  
Unity District Ranger decisions:  
Baker City Herald, Baker City, Oregon  
Wallowa Valley District Ranger decisions:  
Wallowa County Chieftain, Enterprise,  
Oregon

#### *Willamette National Forest*

Willamette Forest Supervisor decision:  
Register-Guard, Eugene, Oregon

Newspapers providing additional notice of  
Willamette Forest Supervisor decisions:  
Salem Statesman-Journal, Salem, Oregon  
Albany Democrat Herald, Albany, Oregon

Detroit District Ranger decisions:  
Register-Guard, Eugene, Oregon

Newspapers providing additional notice of  
Detroit decisions:

Salem Statesman-Journal, Salem, Oregon  
Albany Democrat Herald, Albany, Oregon  
Blue River District Ranger decisions:  
Register-Guard, Eugene, Oregon

Newspapers providing additional notice of  
Blue River decisions:

Salem Statesman-Journal, Salem, Oregon  
Albany Democrat Herald, Albany, Oregon

Lowell District Ranger decisions:  
Register-Guard, Eugene, Oregon

Newspapers providing additional notice of  
Lowell decisions:

Salem Statesman-Journal, Salem, Oregon  
Albany Democrat Herald, Albany, Oregon

McKenzie District Ranger decisions:  
Register-Guard, Eugene, Oregon

Newspapers providing additional notice of  
McKenzie decisions:

Salem Statesman-Journal, Salem, Oregon  
Albany Democrat Herald, Albany, Oregon

Oakridge District Ranger decisions:  
Register-Guard, Eugene, Oregon

Newspapers providing additional notice of  
Oakridge decisions:

Salem Statesman-Journal, Salem, Oregon  
Albany Democrat Herald, Albany, Oregon

Rigdon District Ranger decisions:  
Register-Guard, Eugene, Oregon

Newspapers providing additional notice of  
Rigdon decisions:

Salem Statesman-Journal, Salem, Oregon

Albany Democrat Herald, Albany, Oregon

Sweet Home District Ranger decisions:

Register-Guard, Eugene, Oregon  
Newspapers providing additional notice of  
Sweet Home decision:  
Salem Statesman-Journal, Salem, Oregon  
Albany Democrat Herald, Albany, Oregon

#### *Winema National Forest*

Winema Forest Supervisor decisions:

Herald and News, Klamath Falls, Oregon  
Chemult District Ranger decisions:  
Herald and News, Klamath Falls, Oregon  
Chiloquin District Ranger decisions:  
Herald and News, Klamath Falls, Oregon  
Klamath District Ranger decisions:  
Herald and News, Klamath Falls, Oregon

#### *Washington National Forests*

##### *Colville National Forest*

Colville Forest Supervisor decisions:

Statesman-Examiner, Colville, WA  
Colville District Ranger decisions:  
Statesman-Examiner, Colville, WA  
Kettle Falls District Ranger decisions:  
Statesman-Examiner, Colville, WA  
Newport District Ranger decisions:  
Newport Miner, Newport, WA  
Republic District Ranger decisions:  
Republic News Miner, Republic, WA  
Sullivan Lake District Ranger decisions:  
Newport Miner, Newport, WA

##### *Gifford Pinchot National Forest*

Gifford Pinchot Forest Supervisor decisions:

Columbian, Vancouver, Washington  
Mt. Saint Helens National Monument  
Manager decisions:  
Columbian, Vancouver, Washington  
Mt. Adams District Ranger decisions:  
Enterprise, White Salmon, Washington  
Packwood District Ranger decisions:  
Chronicle, Chehalis, Washington  
Randle District Ranger decisions:  
Columbian, Vancouver, Washington  
Wind River District Ranger decisions:  
Columbian, Vancouver, Washington

##### *Mt. Baker-Snoqualmie National Forest*

Mt. Baker-Snoqualmie Forest Supervisor  
decisions:

Seattle Post-Intelligencer, Seattle,  
Washington

Darrington District Ranger decisions:

Everett Herald, Everett, Washington  
Mt. Baker District Ranger decisions:

Skagit Valley Herald, Mt. Vernon,  
Washington

North Bend District Ranger decisions:

Valley Record, North Bend, Washington  
Skykomish District Ranger decisions:

Everett Herald, Everett, Washington  
White River District Ranger decisions:

Enumclaw Courier Herald, Enumclaw,  
Washington

##### *Okanagon National Forest*

Okanagon Forest Supervisor decisions:

Omak Chronicle, Omak, Washington  
Tonasket District Ranger decisions:  
The Gazette-Tribune, Oroville, Washington  
Twisp District Ranger decisions:  
Methow Valley News, Twisp, Washington  
Winthrop District Ranger decisions:  
Methow Valley News, Twisp, Washington



*Olympic National Forest*

Olympic Forest Supervisor decisions:  
 Daily Olympian, Olympia, Washington  
 Newspapers providing additional notice for Olympic Forest Supervisor decisions:  
 Mason County Journal, Shelton, Washington  
 Daily World, Aberdeen, Washington  
 Peninsula Daily News, Port Angeles, Washington  
 Bremerton Sun, Bremerton, Washington  
 Hood Canal District Ranger decisions:  
 Mason County Journal, Shelton, Washington  
 Quilcene District Ranger decisions:  
 Peninsula Daily News, Port Angeles, Washington  
 Newspaper providing additional notice for Quilcene decisions:  
 Bremerton Sun, Bremerton, Washington  
 Quinalt District Ranger decisions:  
 The Daily World, Aberdeen, Washington  
 Soleduck District Ranger decisions:  
 The Forks Forum, Forks, Washington

*Wenatchee National Forest*

Wenatchee Forest Supervisor decisions:  
 The Wenatchee World, Wenatchee, Washington  
 Newspaper providing additional notice for Wenatchee Forest Supervisor decisions:  
 The Yakima Herald-Republic, Yakima, Washington  
 Chelan District Ranger decisions:  
 The Wenatchee World, Wenatchee, Washington  
 Newspaper providing additional notice for Chelan decisions:  
 The Yakima Herald-Republic, Yakima, Washington  
 Cle Elum District Ranger decisions:  
 The Wenatchee World, Wenatchee, Washington  
 Newspaper providing additional notice for Clem Elum decisions:  
 The Yakima Herald-Republic, Yakima, Washington  
 Entiat District Ranger decisions:  
 The Wenatchee World, Wenatchee, Washington  
 Newspaper providing additional notice for Entiat decisions:  
 The Yakima Herald-Republic, Yakima, Washington  
 Lake Wenatchee District Ranger decisions:  
 The Wenatchee World, Wenatchee, Washington  
 Newspaper providing additional notice for Lake Wenatchee decisions:  
 The Yakima Herald-Republic, Yakima, Washington  
 Leavenworth District Ranger decisions:  
 The Wenatchee World, Wenatchee, Washington  
 Newspaper providing additional notice for Leavenworth decisions:  
 The Yakima Herald-Republic, Yakima, Washington  
 Naches District Ranger decisions:  
 The Wenatchee World, Wenatchee, Washington  
 Newspaper providing additional notice for Naches decisions:  
 The Yakima Herald-Republic, Yakima, Washington

Dated: April 27, 1992.

Richard A. Ferraro,

Deputy Regional Forester.

[FR Doc. 92-10392 Filed 5-4-92; 8:45 am]

BILLING CODE 3410-11-M

**Draft Supplement to a Final Environmental Impact Statement for the Tippetts Valley Timber Harvest on the Cedar City Ranger District, Dixie National Forest, Iron County, UT**

**AGENCY:** Forest Service, USDA.**ACTION:** Notice of intent to prepare a supplement to an environmental impact statement.

**SUMMARY:** The Department of Agriculture, Forest Service will prepare a Draft and Final Supplement to the Environmental Impact Statement previously prepared for the Tippetts Valley Timber Harvest (June 3, 1991). The supplement will focus on specific issues involving two Region 4 sensitive species, the goshawk and flammulated owl, and new cultural resource sites discovered in the project area.

The Forest Service mission is to provide for sustained flow of renewable resources, while promoting a healthy and productive environment for the Nation's forests and rangelands. It is responsible and necessary, then, that the Forest Service propose a project to meet the desired future condition for this area as described in the Dixie National Forest Land and Resource Management Plan.

The agency is seeking information and comments from federal, state, and local agencies and from individuals and organizations who may be interested in or affected by the proposed action. This input will be used in preparing the Draft Supplement to the Tippetts Valley Timber Harvest Environmental Impact Statement.

**DATES:** Comments concerning this project should be received by May 22, 1992.

**ADDRESSES:** Submit written comments and suggestions to: District Ranger, Cedar City Ranger District, Dixie National Forest, P.O. Box 627, Cedar City, UT 84721-0627.

**FOR FURTHER INFORMATION CONTACT:** Direct questions about the proposed action, EIS and supplement to Randall Hayman, Forester/Silviculturist, Cedar City Ranger District, P.O. Box 627, Cedar City, UT 84721-0627, phone (801) 865-3200.

**SUPPLEMENTARY INFORMATION:** On June 3, 1991, the Record of Decision for the Final Environmental Impact Statement (FEIS) for the Tippetts Valley Timber

Harvest was signed by the Forest Supervisor for the Dixie National Forest, Hugh C. Thompson. On July 18, 1991, Kathleen C. Zimmerman, representing the Wilderness Society and the Friends of Dixie National Forest, filed a notice of appeal and request for stay. Stay was granted on July 26, 1991.

On October 16, 1991, Forest Supervisor Hugh C. Thompson requested an extension of time on the appeal process due to new cultural resource and wildlife information (identification of goshawk and flammulated owl nest sites) that emerged after the Record of Decision had been signed. On October 31, 1991, the Deputy Regional Forester and reviewing officer, Robert C. Joslin, granted the request for extension. In the Deputy Regional Forester's letter of October 31, 1991, the Forest Supervisor for the Dixie National Forest was directed to determine if this new information would require a supplement to the Final Environmental Impact Statement.

Following a review of the "Management Recommendations for the Northern Goshawk in the Southwestern United States" (published on November 26, 1991) and follow-up meetings with the scientific committee members in February of 1992, Supervisor Hugh C. Thompson determined that the new wildlife and cultural information did represent significant new information and that a supplement to the FEIS would be needed to consider this information in light of the proposed action.

On March 30, 1992, Supervisor Hugh C. Thompson recommended to the Deputy Regional Forester and reviewing officer, Robert C. Joslin, that a supplement to the original FEIS be completed and a new Record of Decision be issued. On April 24, 1992, Deputy Regional Forester Robert C. Joslin issued a letter to the appellant stating that a new Record of Decision (ROD) for the Final Environmental Impact Statement for the Tippetts Valley Timber Harvest would be issued. Mr. Joslin determined that with issuance of a new ROD there was no need to issue a decision on the existing appeal and closed the case.

The Draft Supplement to the Final Environmental Impact Statement is expected to be filed with the Environmental Protection Agency for public review in June of 1992. At that time, the Environmental Protection Agency will publish a notice of availability of the Draft Supplement in the **Federal Register**.

The comment period on the Draft Supplemental will be 45 days from the date the Environmental Protection



Agency's notice of availability appears in the *Federal Register*. It is very important that those interested participate at that time. To be most helpful, comments on the Draft Supplement should be as specific as possible to address the adequacy of the supplement.

Comments on the Draft Supplement will be analyzed and considered by the Forest Service in preparing the Final Supplement, which is scheduled to be completed in August of 1992. The Forest Service is required to respond to the comments received (40 CFR 1503.4). After reviewing the supplement and any public comments on the supplement, the Forest Supervisor will issue a new decision and reasons supporting it. This will be documented in a new Record of Decision.

Hugh C. Thompson, Forest Supervisor, Dixie National Forest, is the responsible official.

Dated: April 28, 1992.

Robert Meinrod,  
Range, Wildlife, Watershed Staff Officer.  
[FR Doc. 92-10361 Filed 5-4-92; 8:45 am]  
BILLING CODE 3410-01-M

#### Running Wolf Timber Sales, Lewis and Clark National Forest, Judith Basin County, MT

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of implementing timber management practices and prescribed fire in the Dry Wolf, Running Wolf, Sage Creek, and Yogo Creek areas of the Little Belt Mountains. Timber management practices include: (1) Harvest of merchantable trees through selection, shelterwood, seed tree and patch clear cuts in a manner that balances resource uses and values, (2) cutting sub-merchantable trees (i.e. non-sawlog material) with commercial and precommercial thinning operations designed to remove forest products to reduce fire hazard potential and to maintain diversity, (3) site preparation and slash disposal to allow for the regeneration of a new timber stand and fire hazard reduction, (4) firewood gathering, and (5) tree planting on suitable ground within the Iron Claims and Turkey fire areas in addition to any needed tree planting on harvested sites.

Road construction and reconstruction would be needed to implement timber management practices. Fire

management practices would be the prescribed burning of grasslands and the understory of thinned stands.

The Forest Service also proposes to change the boundaries of Management Areas B and G through an amendment to the Forest Plan to better fit the management area goals identified in the Forest Plan.

**DATES:** Comments concerning the scope of the analysis should be received in writing by June 4, 1992 in order to receive timely consideration in the preparation of the Draft Environmental Impact Statement (DEIS).

**ADDRESSES:** Send written comments to Larry Timchak, District Ranger, Judith Ranger District, Box 484, Stanford, MT 59479.

**FOR FURTHER INFORMATION CONTACT:** Rick Abt, Running Wolf Interdisciplinary Team Leader, Judith Ranger District, (406) 566-2292.

**SUPPLEMENTARY INFORMATION:** The Running Wolf project area is located in the north central Little Belt Mountains, 15 miles southwest of Stanford in Judith Basin County, Montana. The project area of approximately 45,115 acres is bounded on the west by Dry Wolf Creek, on the south by Yogo Creek, and on the east and north by the National Forest boundary. About 43,515 acres of the project area are National Forest System lands. Located within the Running Wolf project area is the entire 27,000 acre Tollgate-Sheep Roadless Area (1-733). The Lewis and Clark National Forest Plan identified most of this roadless area as available for scheduled timber management. This Environmental Impact Statement (EIS) evaluates the site-specific effects of timber harvest and road construction on the roadless character and wilderness features of this roadless area.

According to the Forest 10-year timber sale program, the harvest of merchantable trees would be scheduled in three large sales, Running Wolf (400 acres) to be sold in FY 1993, Sheep Mountain (300 acres) to be sold in FY 1995, and Tollgate/Yogo (400 acres) to be sold in FY 1997. The harvest of post, poles, and other submerchantable trees would be scheduled in several small sales (total of 300 acres) to be sold in FYs 1993-2000.

These three large sales are proposed that involve portions of the 27,000 acre Tollgate-Sheep roadless area. An environmental assessment (EA) for Sheep Mountain Timber Sale was completed in 1988, but the EA did not adequately address the roadless issue. Consequently, the Decision Notice for Sheep Mountain was withdrawn until a site specific analysis of effects on the

area's roadless values could be completed. The Lewis and Clark Forest Plan had originally identified Woodhurst and Lower Sage Timber Sales to be part of the Running Wolf Timber Sale. However, these were included in the Turkey Salvage Timber Sale as a result of the Turkey Fire on November 23, 1991.

Road construction and reconstruction would be scheduled starting in 1993 and most likely be completed by FY 1999. Post-sale activities, firewood gathering, site preparation, slash disposal, and tree planting are expected to be completed within two years after the closure of each sale. Fire management practices would be accomplished throughout the decade.

The timber management practices associated with the sales are addressed together because the timing and geographic location represent a similar action under 40 CFR 1508.25(a)(3). Road construction and fire management practices represent connected actions under § 1508.25(a)(1)(iii). The scope of the proposed action is site-specific with timber and fire management practices identified on a stand or unit basis. Appropriate mitigation measures are designed to respond to the identified issues and anticipated effects. The scope of the proposed action was determined by looking at the range of alternatives, and impacts as specified by the National Environmental Policy Act.

This EIS will tie to the Lewis and Clark National Forest Land and Resource Management Plan of June, 1986, which provides the goals and objectives. Forest-wide management standards and management area prescriptions are identified in the Plan to provide overall guidance and management practices in achieving these goals and objectives. The proposed actions of timber management, prescribed fire, and road construction/reconstruction are designed to help achieve the goals and objectives identified in the Forest Plan. This move will be accomplished by the primary purpose and need for the proposed action to: (1) Place suitable forest lands under regulated management to provide a sustained yield of timber products while protecting and sustaining forest ecosystems, and (2) reestablish and maintain more healthy and diverse communities by managing vegetation with timber and prescribed fire.

No public meetings will be held prior to the issuance of the DEIS. However, a letter indicating the proposed action and the availability of maps for the project area will be sent to interested publics for comment. Two public meetings will



be held during the formal review period of the DEIS (September 1992). However, the public is invited to visit with Forest Service officials at any time during the EIS preparation prior to the issuance of the Record of Decision.

The Forest Service is seeking information and comments from Federal, State, and local agencies and individuals and organizations who may be interested in or affected by the proposed actions. The agency invites written comments and suggestions on the issues and management opportunities in the area being analyzed. This information will be used in preparing the DEIS. This process includes:

1. Identification of potential issues related to the proposed action.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Identification of alternatives to the proposed action.
5. Identification of potential environmental effects of the alternatives.
6. Determination of potential cooperating agencies and task assignments.

The analysis will consider a range of alternatives. One of these will be the "No-Action" alternative, in which all timber management and prescribed fire practices are deferred. Other alternatives will examine various levels and locations of treatment and fire management to move towards the desired condition for the Little Belt Mountains.

The analysis will disclose the environmental effects of alternative ways of implementing management direction outlined in the Forest Plan and in addressing the identified issues. The Forest Service will analyze and document the direct, indirect, and cumulative environmental effects of the alternatives. In addition, the EIS will disclose site-specific mitigation measures and the effectiveness of each proposed mitigation measure.

Preliminary scoping has been done for this project by the interdisciplinary team from the Lewis and Clark National Forest and seven major issues have been identified.

#### Timber Management (Issue 1)

(a) Evaluate the potential to provide timber output as directed in the Forest Plan goals and objectives for Management Area B as measured by suitable forest lands put under regulated management.

(b) Move towards a more balanced size class structure, as measured by the acres by size class.

(c) Ensure cost effective timber resources outputs, as measured by present net value (PNV) and benefit/cost ratio (B/C).

#### Elk Habitat (Issue 2)

(a) What are the effects on elk effective cover, as measured by effective hiding cover percentages?

(b) What are the effects on elk habitat availability, as measured by elk displacement?

(c) What are the effects on elk hunter opportunity, as measured by elk vulnerability?

#### Biodiversity (Issue 3)

(a) What are the effects of the proposed actions on threatened and endangered species, sensitive species, management indicator species, snag dependent species, old growth habitat, riparian areas, and fragmentation and corridors?

(b) What actions should be taken to maintain and/or restore the biological diversity and create a mosaic of successional stages in these fire dependent communities?

#### Water Resources (Issue 4)

(a) What are the effects of sediment produced over current levels on stream conditions?

(b) What are the effects on fishery resources, as measured by the predicted changes in spawning and rearing habitat?

(c) What are the effects on watersheds ability to meet State Water Quality Standards?

#### Visual Quality (Issue 5)

(a) What are the effects of the proposed action on the visual resource as viewed from Forest Service Roads Numbers 251 and 266?

#### Recreation (Issue 6)

(a) What are the effects of the proposed action on recreation activities and opportunities?

#### Roadless Values (Issue 7)

(a) What are the effects of proposed action on the roadless and wilderness values of the Tollgate/Sheep Roadless Area?

The DEIS will be filed with the Environmental Protection Agency (EPA) and a notice of availability of the DEIS published in the **Federal Register**. It is estimated that the DEIS will be available for public review in September 1992.

The comment period on the DEIS will be for 45 days from the date of publication in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of DEISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final environmental impact statement (FEIS) may be waived or dismissed by the courts. *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when they can be meaningfully considered and responded to in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages chapters of the DEIS. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service in preparing the FEIS. The FEIS is scheduled to be completed by January 1993. The Forest Service will respond in the FEIS to the comments received on the DEIS. John D. Gorman, Forest Supervisor for the Lewis and Clark National Forest, the responsible official for this EIS, will make a decision regarding this proposal after considering the comments, responses, and environmental consequences discussed in the FEIS as well as applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

The Forest Supervisor's address is: 1101 15th St. N., Box 869, Great Falls, MT 59403.



Dated: April 24, 1992.

John D. Gorman,

Forest Supervisor, Lewis and Clark National Forest.

[FR Doc. 92-10362 Filed 5-4-92; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

[Docket No. 920411-2111]

### COCOM Review of the International Lists

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Notice of COCOM review of the International Lists; Request for comments.

**SUMMARY:** The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export controls. Certain Export Control Classification Numbers (ECCNs) on the CCL contain dual-use items that are subject to multilateral export controls maintained by the Coordinating Committee for Multilateral Export Controls (COCOM). These ECCNs are designated by the code letter "A" at the end of the entry number.

COCOM member countries have agreed upon list review procedures that provide for the review of the International List maintained by COCOM (i.e., the International Industrial List, the International Atomic Energy List, and the International Munitions List). The purpose of these reviews is to ensure that the appropriate technical performance levels are maintained for items subject to COCOM control. These reviews will be conducted in two separate segments (Segments A and B) over a two-year period (1992-93).

This notice and request for comments is being issued to solicit public comments on the appropriateness of the technical performance levels for ECCNs included in the Segment A review cycle. Because the U.S. faces a deadline for preparing its list review proposals to COCOM, public comments should be submitted as soon as possible during the designated comment period and should address only the entries that are scheduled for review by COCOM during the Segment A review cycle. BXA will publish, at a later date, a separate notice requesting comments on items

scheduled for COCOM review during the Segment B review cycle.

**DATES:** Comments should be received by June 19, 1992.

**ADDRESSES:** Written comments (six copies) should be sent to Willard Fisher, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, room 4054, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** For questions of a technical nature, the following persons in the Office of Technology and Policy Analysis are available:

Category 3: Jerald Beiter—(202) 377-1641

Category 4: Randolph Williams—(202) 377-0708

Category 5: Hans Van Gelder—(202) 377-1663

Category 6: Joseph Chuchla—(202) 377-1641

### SUPPLEMENTARY INFORMATION:

#### I. Background

BXA is publishing this notice and request for comments in connection with the review of the International Lists maintained by COCOM. COCOM will conduct this review in two separate segments (Segments A and B) over a two-year period. The public is invited to comment on the appropriateness of the technical performance levels for those CCL entries that are scheduled for review during the Segment A review cycle.

#### II. Segment A Review Cycle

The Segment A review cycle will cover nearly all of the "A"-level entries (ECCNs ending in the code letter "A") in the following CCL Categories:

Category 3: (Electronics Design, Development and Production)

Category 4: (Computers)

Category 5: (Telecommunications and "Information Security")

Category 6: (Sensors)

The only "A"-level entries in Categories 3 through 6 that are not included in the Segment A review cycle are those ECCNs that control items included on the International Munitions List or International Atomic Energy List (i.e., ECCNs ending in "XX18A" or "XX19A"). Items controlled by these entries will be reviewed during the Segment B review cycle.

Comments on ECCNs being reviewed during the Segment A review cycle should address the following technical performance levels:

(1) The levels at which items should be controlled (the current levels may be

found by referring to the List of Items Controlled under the appropriate ECCN);

(2) The levels at which items should be eligible for treatment under administrative exceptions notes (the current levels may be found by referring to the appropriate Advisory Notes on the CCL that indicate items are likely to be approved as administrative exceptions); and

(3) The levels at which items should be eligible for favorable consideration treatment (the current levels may be found by referring to the appropriate Advisory Notes on the CCL that indicate items will receive favorable consideration).

Commerce will consider the public comments submitted on the Segment A review process when formulating the Department's proposals for revising COCOM controls. Commerce will also consult with the Departments of Defense and State and with the appropriate Technical Advisory Committees.

#### III. Technical Advisory Committees

Commerce will consult with various Technical Advisory Committees (TACs) in connection with the Segment A review. The TACs are chartered by the Department of Commerce and consist of representatives of industry and government. They advise Commerce on technical matters, worldwide availability, the utilization of production technology, licensing procedures, revisions of the CCL (including COCOM revisions), regulatory changes, and other matters related to export controls.

Because the TACs play an important role in advising the Commerce Department concerning the development of proposals to revise the CCL, interested parties may wish to provide information to the appropriate TAC in addition to filing comments during the 45-day comment period provided by this notice. The TACs responsible for each of the CCL Categories to be reviewed during Segment A are listed below:

Category 3—Electronics TAC

Category 4—Computer Systems TAC

Category 5—Telecommunications TAC

Category 6—Sensors TAC

For more information on the TACs, including current membership, gaining membership, and schedules for public meetings, contact Ms. Betty Ferrell, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, room 1621, Washington, DC 20230 (Telephone: (202) 377-2583).

#### IV. Submission of Comments

The Department of Commerce



encourages interested parties to submit comments on the CCL entries covered by the Segment A review cycle. Because the U.S. faces deadlines in preparing its list review proposals for submission to COCOM, comments should be submitted as soon as possible during the 45-day comment period provided by this notice. The scope of the comments should be limited to the technical performance levels for the ECCNs in CCL Categories 3, 4, 5, and 6 that are scheduled for review by COCOM during the Segment A review cycle. BXA will publish a separate notice on those items scheduled for COCOM review during the Segment B review cycle; these items will include entries in CCL Categories 1, 2, 7, 8, and 9, as well as items on the International Munitions List and International Atomic Energy List.

All comments submitted will become a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. If oral comments are received, they must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments are welcome, but will not routinely be made available for public inspection.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, room 4525, Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Margaret Cornejo, Freedom of Information Officer, Bureau of Export Administration, at the above address or by calling (202) 377-5653.

Dated: April 29, 1992.

James M. LeMunyon,  
Acting Assistant Secretary for Export  
Administration.

[FR Doc. 92-10397 Filed 5-4-92; 8:45 am]

BILLING CODE 3510-07-M

## International Trade Administration

[(A-580-811) (A-201-806)]

### Initiation of Antidumping Duty Investigations: Steel Wire Rope From the Republic of Korea and Mexico

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** May 5, 1992.

**FOR FURTHER INFORMATION CONTACT:** Michelle Frederick or Steven Lim, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0186 or 377-4087, respectively.

#### INITIATION:

##### The Petition

On April 9, 1992, we received a petition filed in proper form by the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers (the Committee). In compliance with the filing requirements of 19 CFR 353.12, petitioner alleges that imports of steel wire rope are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that there is a reasonable indication that an industry in the United States is being materially injured, or is threatened with material injury, by reason of imports from Korea and Mexico of steel wire rope.

Petitioner stated that it has standing to file the petition because it is an interested party, as defined under section 771(9)(E) of the Act, and because it filed the petition on behalf of the U.S. industry producing the product that is subject to these investigations. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file a written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 353.14.

#### United States Price and Foreign Market Value

For both Korea and Mexico, petitioner based its estimates of United States

price (USP) on actual prices offered to U.S. distributors for several steel wire rope products. The prices were obtained by several domestic producers of steel wire rope that have contact with personnel associated with the sales of the subject merchandise in the United States. Petitioner adjusted the delivered prices for distributor's mark-up, U.S. and foreign inland freight, ocean freight, brokerage and customs duties, where appropriate.

Petitioner based its estimate of foreign market value (FMV) for Korea on price lists obtained through market research. For Mexico, petitioner based FMV on current price quotations for several steel wire rope products. In calculating FMV for these products, petitioner adjusted these prices to reflect relevant discounts, inland freight and credit expenses. Petitioner made adjustments to USP and FMV to account for the value-added tax in Korea and Mexico.

Based on a comparison of U.S. price and foreign market value, petitioner alleges dumping margins for Korea ranging from 2.14 to 527.46 percent. The margins for Mexico range from 119.11 percent to 133.83 percent.

#### Initiation of Investigations

Pursuant to section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to petitioner supporting the allegations.

We have examined the petition and found that it complies with the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating antidumping duty investigations to determine whether imports of steel wire rope from Korea and Mexico are being, or are likely to be, sold in the United States at less than fair value. If our investigations proceed normally, we will make our preliminary determinations by September 16, 1992.

#### Scope of Investigations

The product covered by these investigations is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass plated wire. Excluded from these investigations is stainless steel wire rope, i.e., ropes, cables and cordage other than stranded wire, of stainless steel, not fitted with fittings or made up into articles, which is



classifiable under Harmonized Tariff Schedule (HTS) subheading 7312.10.6000.

Imports of these products are currently classifiable under the following HTS subheadings: 7312.10.9030, 7312.10.9060 and 7312.10.9090. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

#### ITC Notification

Section 732(d) of the Act requires us to notify the ITC of these actions and we have done so.

#### Preliminary Determination by ITC

The ITC will determine by May 26, 1992, whether there is a reasonable indication that imports of steel wire rope from Korea and/or Mexico are materially injuring, or threaten material injury to, a U.S. industry. Any ITC determination which is negative will result in the respective investigation being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act and 19 CFR 353.13(b).

Dated: April 29, 1992.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-10459 Filed 5-4-92; 8:45 am]

BILLING CODE 3510-DS-M

#### Research Foundation of SUNY at Albany, et al., Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

**Comments:** None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

**Docket Number:** 92-006. **Applicant:** Research Foundation of SUNY at Albany, Albany, NY 12222. **Instrument:** Infrared Neon Gas Laser. **Manufacturer:** MPB Technologies Inc., Canada. **Intended Use:** See notice at 57 FR 6000,

February 19, 1992. **Reasons:** The foreign instrument provides: (1) Tunable operation in the region of 8.0  $\mu\text{m}$ , (2) power of at least 100  $\mu\text{W}$  and (3) angular divergence to 1.0 milliradian. **Advice Submitted By:** National Institutes of Standards and Technology, September 25, 1991 (comparable case).

**Docket Number:** 92-024. **Applicant:** U.S. Geological Survey, Reston, VA 22092. **Instrument:** (3) Electron Microprobes, Model JXA-8900. **Manufacturer:** JEOL Ltd., Japan. **Intended Use:** See notice at 57 FR 9107, March 16, 1992. **Reasons:** The foreign instrument provides and intense electron beam to excite characteristic x-rays of a sample phase down to 1.0  $\mu\text{m}$  area. **Advice Received From:** National Institute of Standards and Technology, October 23, 1991 (comparable case).

The National Institute of Standards and Technology advises that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92-10460 Filed 5-4-92; 8:45]

BILLING CODE 3510-DS-M

#### National Institute of Standards and Technology

[Docket No. 920492-2092]

RIN No. 0693-AA69

#### Proposed Minor Technical Changes to Version 2 of Federal Information Processing Standard (FIPS) 146-1, GOSIP

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The purpose of this notice is to propose minor technical changes to Federal Information Processing Standard (FIPS) 146-1, Government Open Systems Interconnection Profile (GOSIP), Version 2, which was announced as a revision to FIPS 146 in the *Federal Register* (56 FR 13626, April 3, 1991), and will be mandatory in Federal procurements initiated after October 3, 1992. The changes, which are detailed below, stem from changes in the technical agreements upon which

GOSIP is based, changes in the progress of voluntary industry standards, and other developments which necessitate adjustments to FIPS 146-1. These minor technical changes do not change the implementation schedule. See Supplementary Information Section below.

Before issuing these changes, NIST solicits the views of manufacturers, the public, and State and local governments. Interested parties may obtain a copy of GOSIP (FIPS PUB 146-1) from the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161.

**DATE:** Comments on these proposed changes must be received on or before June 19, 1992.

**ADDRESSES:** Written comments concerning these proposed changes should be sent to: Director, Computer Systems Laboratory, ATTN: Proposed Changes to FIPS 146-1/Version 2, Technology Building, Room B154, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerard F. Mulvenna, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-3631.

#### SUPPLEMENTARY INFORMATION: Background

Federal Information Processing Standard 146-1, Government Open Systems Interconnection Profile (GOSIP), Version 2, is based on technical implementation agreements reached by the OSI Implementors' Workshop. Interested parties can obtain the current Stable Implementation Agreements for Open Systems Interconnection Protocols, (hereafter referred to as the Workshop Agreements), which contain the technical changes proposed in this notice, by contacting the U.S. Government Printing Office [Stock Number 903-015-00000-4, telephone (202) 783-3238]. GOSIP defines a common set of data communication protocols which enable systems developed by different vendors to interoperate and allow the users of different applications on these systems to exchange information. Version 2 of GOSIP supports message handling



systems, file transfer, and a virtual terminal service, all of which can operate over interconnected X.25, ISDN, 802.3, 802.4 and 802.5 subnetworks.

#### Proposed Changes to FIPS 146-1, GOSIP

NIST proposes that the following changes be incorporated into FIPS 146-1. These changes will not affect the date for implementation of Version 2 of GOSIP. These changes are being made to align Version 2 of GOSIP with revisions to the Workshop Agreements, to adopt increased functionality for GOSIP users, and to improve interoperability among GOSIP products.

1. FIPS 146-1 (Section 4.2.7.4) currently requires that VT simple systems (i.e., systems that support the TELNET VT-profile) be procured in accordance with specifications in Part 14, Clause 8.1 of the Workshop Agreements. This requirement has been changed to reference the Generalized TELNET VT profile defined in Part 14, Clause 8.5 of the Workshop Agreements.

This change allows for negotiation of the full range of TELNET options, which otherwise would be restricted to ECHO, BINARY, and SUPPRESS-GO-AHEAD.

2. FIPS 146-1 (Section 4.2.8) currently states that, "In the P1 protocol, both the undefined bit (bit 0) and the ODA bit (bit 10) of the Encoded Information Types must be set when an ODA document is present in P2." For this sentence, substitute, "The undefined bit (bit 0) of the Encoded Information Types must be set and the ODA (bit 10) should be set when an ODA document is present in P2. However, MTAs should be tolerant of messages containing ODA documents received with just the undefined bit (bit-0) set and should still deliver the message."

This change has been made in order to achieve international alignment and is included in the current Workshop Agreements.

3. In FIPS 146-1 (Section 5.3.2) delete the sentence, "The attributes which must be supported by all implementations are the country name, the administration name, private domain name, organization name, organizational unit and personal name." Substitute the sentence, "The attributes which must be capable to be generated by all implementations are the country name, administration name, private domain name, organization name, organizational unit, personal name and a list of domain-defined attributes."

The requirement for Message Handling Systems implementations to be able to generate domain-defined attributes has been recently included in the Workshop Agreements.

**Authority:** Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

Dated: April 29, 1992.

John W. Lyons,

Director.

[FR Doc. 92-10458 Filed 5-4-92; 8:45 am]

BILLING CODE 3510-CN-M

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

##### Contract Administration Working Group of the DOD Advisory Panel on Streamlining and Codifying Acquisition Laws

**AGENCY:** Defense Systems Management College, DOD.

**ACTION:** Request for public comment.

**SUMMARY:** The Contract Administration Working Group of the DOD Advisory Panel is reviewing the following laws relating to extraordinary contractual relief: Public Law 85-804—National Emergency Act of 1958.

This public law is codified in the following sections: 50 U.S.C. 1431—Authorization; official approval;

Congressional action; notification of committees of certain proposed obligations; resolution of disapproval; continuity of session; computation of period.

50 U.S.C. 1432—Restrictions.

50 U.S.C. 1433—Public record; examination of records by Comptroller General; exemptions; exceptional conditions; reports to Congress.

50 U.S.C. 1434—Reports to Congress; publication.

50 U.S.C. 1435—Effective period.

Request responses to the following questions on each law:

- Is the law serving its intended purpose?
- Has the law created inefficiencies?
- Has it unduly burdened the buyer/seller relationship?
- Is it required for the continuing financial and ethical integrity of defense procurement programs?
- Is it required to protect the best interests of DOD?
- Is the law still relevant?
- Does it overlap, duplicate, or conflict with other laws?

—Does it contain ambiguous terms or provisions which have led to problems in interpretation?

—Should the law apply to commercial products?

—Should it apply to first tier subcontracts, or all subcontracts?

The panel also solicits suggestions of other laws relating extraordinary contractual relief.

The Contract Administration Working Group will be presenting initial recommendations on the laws relating to extraordinary contractual relief to the panel at its July 18, 1992 meeting. Comments must be received by July 1, 1992, in order to be fully considered by the Working Group.

Individuals and organizations wishing to provide information to the Contract Administration Working Group may provide the information to Ms. Diane Sidebottom, Acquisition Law Task Force, at Defense Systems Management College, 8580 Cinderbed Road, suite 800, Newington, VA 22122 (703-355-2665).

Dated: April 29, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-10416 Filed 5-4-92; 8:45 am]

BILLING CODE 3810-01-M

#### Defense Nuclear Agency

##### Superconducting Magnetic Energy Storage Engineering Test Model; Public Scoping Meetings

**AGENCY:** Defense Nuclear Agency, DOD.

**ACTION:** Notice.

**SUMMARY:** The Defense Nuclear Agency (DNA), the Department of Energy (DOE), and the U.S. Army Corps of Engineers (USACE) will conduct public scoping meetings in preparation for an environmental impact statement (EIS) at five candidate locations for the Superconducting Magnetic Energy Storage (SMES) Engineering Test Model (ETM). The SMES-ETM Program is a cooperative effort of the Department of Defense and the Department of Energy. The Notice of Intent to Draft EIS was published in the *Federal Register*/Vol. 55, No. 202/October 18, 1990. Shortly thereafter, the program experienced a delay of about 1½ years. The SMES-ETM, which will store electrical energy in superconducting coils, will be a research and test facility to evaluate SMES technology for electric utility applications. The candidate sites are: Orogrande, New Mexico; White Sands Missile Range (WSMR), White Sands, New Mexico; Monahans, Texas;



Bonneville Power Administration (BPA)—Hanford Site, Richland, Washington; and Baraboo Army Ammunition Plant, Baraboo, Wisconsin.

These meetings provide a public forum for determining the scope of issues to be addressed in the EIS and for identifying the significant issues related to the SMES-ETM. Representatives from Defense Nuclear Agency will explain the SMES-ETM program and U.S. Army Corps of Engineers, Mobile District personnel, who are preparing the environmental impact statement for Defense Nuclear Agency, will describe the environmental impact statement process. Following these presentations, the meetings will be opened for public comment. Questions and concerns raised by the public will be recorded and addressed in the environmental impact statement.

The environmental impact statement will evaluate the siting, construction, testing, and operational impacts of a SMES-ETM facility at one of the five candidate sites. A full range of environmental issues will be analyzed in depth and site specific resource impacts, such as cultural resources and threatened or endangered species will also be analyzed.

**DATES:** The schedule for public scoping meetings at these sites during June 1992 is:

Monahans, Texas, June 1; 7:30 p.m.; Community Center, 400 East 4th Street.

Las Cruces, New Mexico; June 2; 7:30 p.m.; New Mexico State University, Corbett Center Student Union Auditorium.

Alamogordo, New Mexico; June 3; 7:30 p.m.; New Mexico State University—Alamogordo Campus, Rohovec Fine Arts Center.

Richland, Washington; June 10; 7:30 p.m.; Federal Building Auditorium; 825 Jadwin Avenue.

Baraboo, Wisconsin; June 16; 7:30 p.m.; University of Wisconsin—Baraboo Campus, Student Center Auditorium; 1006 Connie Road.

**FOR FURTHER INFORMATION CONTACT:** For inclusion on the SMES-ETM environmental impact statement mailing list, individuals should call 1-800-421-SMES or (205) 694-3861, or write the Mobile District, U.S. Army Corps of Engineers, Attn: CESAM-PD-EI (Mike Eubanks), P.O. Box 2288, Mobile, Alabama 36628-0001. Interested parties unable to attend the public scoping meetings are invited to submit their written comments to the preceding address by July 15, 1992. For general information on the SMES-ETM, individuals should write the Defense

Nuclear Agency, Attn: Public Affairs Office, 6801 Telegraph Road, Alexandria, Virginia 22310-3398, or call the Public Affairs Office at (703) 325-7095.

Dated: April 29, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-10415 Filed 5-4-92; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF EDUCATION

### National Assessment Governing Board; Meeting.

**AGENCY:** National Assessment Governing Board, Education.

**ACTION:** Amendment to notice of a partially closed meeting.

**SUMMARY:** This amends the notice of a partially closed meeting of the National Assessment Governing Board published on April 27, 1992 in Vol. 57, No. 81, page 15312.

**DATE:** May 7, 1992.

**TIME:** 7 p.m. to 9 p.m. (open); 9 p.m. to 9:15 p.m. (closed); 9:15 p.m. to adjournment, approximately, 10 p.m. (open).

**LOCATION:** Madison Hotel, 15th and M Streets, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, suite 7322, 1100 L Street, NW., Washington, DC, 20005-4013. Telephone: 202-357-6938.

**SUPPLEMENTARY INFORMATION:** In addition to the closed session of the Achievement Levels Committee from 4:15 p.m. to 5 p.m. on May 7, 1992, the Executive Committee of the National Assessment Governing Board will meet in closed session from 9 p.m. to 9:15 p.m. to discuss the qualifications of an applicant for a position on the NAGB staff. The review and subsequent discussion of the applicant's qualifications relates solely to the internal rules and practices of an agency and would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of title 5 U.S.C.

A summary of the activities at the closed session and related matters, which are informative to the public consistent with the policy of 5 U.S.C. 552b, will be available to the public within fourteen days after the meeting.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, 1100 L Street, NW., suite 7322, Washington, DC from 8:30 a.m. to 5 p.m.

Dated: April 29, 1992

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 92-10368 Filed 5-4-92; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

[Docket EA-82]

### Application for Export Authorization by Joint Owners of the Highgate Project

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of application.

**SUMMARY:** On July 1, 1991, the Vermont Electric Power Company, Inc. (VELCO), acting as an agent for the Joint Owners of the Highgate Project<sup>1</sup> (Joint Owners), filed an application with the Department of Energy (DOE) for authorization to export electric energy to Canada pursuant to section 202(e) of the Federal Power Act. The exports proposed by this application would be short-term and limited in nature.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE-52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket Number EA-82 should appear clearly on the envelope and the document contained therein.

**FOR FURTHER INFORMATION CONTACT:** William H. Freeman (Program Office) 202-586-5883 or Lise Howe (Program Attorney) 202-586-2900.

**SUPPLEMENTARY INFORMATION:** On July 1, 1991, the Joint Owners filed an application with the DOE for authorization to export electric energy to Canada pursuant to section 202(e) of

<sup>1</sup> The Joint Owners are eight Vermont electric utilities that jointly own facilities authorized by Presidential Permit PP-82. The Joint Owners are: Central Vermont Public Service Corp., Franklin Electric Light Co., Inc., Vermont Public Power Supply Authority, Green Mountain Power Corp., Vermont Electric Generation and Transmission Cooperative, Inc., Village of Johnson Electric Light Department, Rochester Electric Light and Power Co., Inc., and the City of Burlington Electric Light Department.



the Federal Power Act. Specifically, the Joint Owners have applied for authorization to transmit electric energy at a maximum rate of 200 megawatts (MW) to Hydro-Quebec. The electrical energy delivered under the proposed export authorization would be delivered to Hydro-Quebec over facilities known as the Highgate Interconnection Facilities which are owned by the Joint Owners and permitted in Docket PP-82. These facilities consist of a 200-MW, back-to-back, AC-DC-AC converter terminal located in Highgate, Vermont, and 7.5 miles of 345-kV transmission line (operated at 120-kV) extending from the highgate converter terminal to the interconnection point with Hydro-Quebec on the U.S.-Canadian border at Franklin, Vermont. The terms and conditions of the sale of power and energy are set forth in the existing Interconnection Agreement between the Joint Owners and Hydro-Quebec which was filed with the subject application.

The applicant states that electric reliability studies prepared by VELCO show that transmission to Hydro-Quebec of up to 200-MW cannot be supported under all circumstances. To ensure that such transactions do not have an adverse effect on the reliability or stability of the electric systems with which VELCO interconnects, the Joint Owners have proposed that, if DOE decides to grant the proposed export authorization, the following conditions be included: (1) VELCO will give advance notice of all export transactions to NEPEX (the dispatching arm of the New England Power Pool (NEPOOL)), REMVEC Satellite (NEPOOL's satellite-dispatch center for Rhode Island, Eastern Massachusetts and Vermont), and the New York Power Pool, and (2) when an export is in progress, VELCO will reduce or terminate the export, as necessary, to prevent adverse effects on the reliability and stability of the electric systems with which VELCO is interconnected.

Any person desiring to be heard or to protest said application should file a petition to intervene, or protest with the address provided above in accordance with rules 211 and 214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed with the DOE no later than June 4, 1992. Additional copies of such petitions to intervene or protests also should be filed directly with John H. Marshall, Attorney, Downs Rachlin & Martin, 9 Prospect Street, St. Johnsbury, Vermont 0519-0099.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the

DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final decision will be made on this application after a determination is made by the DOE that the proposed transaction will not impair the sufficiency of electric supply within the United States or impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the DOE.

Before an export authorization may be issued or amended, the environmental impacts of the proposed DOE action must be evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA). The NEPA compliance process is a cooperative, non-adversarial process involving members of the public, State governments and the Federal Government. The process affords all persons interested in or potentially affected by the environmental consequences of a proposed action an opportunity to present their views, which will be considered in the preparation of the environmental documentation for the proposed action. Intervening and becoming a party to this proceeding will not create any special status for the petitioner with regard to the NEPA process. Should a public proceeding be necessary in order to comply with NEPA, notice of such activities and information on how the public can participate in those activities will be published in the *Federal Register*, local newspapers, and public libraries and/or reading rooms in the vicinity of the electric transmission facilities.

Copies of this application will be made available, upon request, for public inspection and copying at the Department of Energy, room 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, from 9 a.m. to 4 p.m., Monday through Friday.

Issued in Washington, DC on April 29, 1992.

**Charles F. Vacek,**

*Deputy Assistant Secretary, for Fuels Programs, Office Fossil Energy.*

[FR Doc. 92-10448 Filed 5-4-92; 8:45 am]

BILLING CODE 6450-01-M

## Clean Coal Technology

**AGENCY:** Office of Fossil Energy, Department of Energy (DOE).

**ACTION:** Notice of availability of a draft Program Opportunity Notice (PON).

**SUMMARY:** DOE is issuing a draft Program Opportunity Notice (PON), No. DE-PS01-92FE62647, for public comment. The draft PON solicits proposals for cost-shared projects to demonstrate clean coal technologies that advance significantly the efficiency and environmental performance of coal using technologies. A total of \$600 million (less approximately \$30 million for DOE's administrative expenses and other matters) has been appropriated for financial assistance awards under this solicitation.

**DATES:** The deadline for receipt of comments on the draft PON is May 15, 1992 at 4:30 p.m.

### ADDRESS FOR PUBLIC COMMENTS:

Written comments must be delivered or mailed to the U.S. Department of Energy, Office of Procurement Operations, Attn: Herbert D. Watkins, PR-322.1, room IJ-027, 1000 Independence Avenue, SW., Washington, DC 20585.

### ADDRESS FOR OBTAINING DRAFT PON:

Written request must be sent to U.S. Department of Energy, P.O. Box 2500, Attn: Document Control Specialist, PR-451.1, Washington, DC 20013. Written requests to be placed on the mailing list for the draft PON should be received by April 30, 1992. Also copies may be picked up at the U.S. Department of Energy, Office of Procurement Operations Document Control Specialist, Forrestal Building Room 1J-005, 1000 Independence Avenue, SW., Washington, DC between the hours of 9 a.m. and 3 p.m., Monday through Friday except Federal holidays. The draft PON is anticipated to be available on or after April 20, 1992. If you have received past solicitations and/or attended the 1991 Clean Coal Technology public meetings your name is already on our mailing list for the draft PON.

**SUPPLEMENTARY INFORMATION:** On November 13, 1991, Public Law 102-154, "An Act Making Appropriations for the Department of the Interior and Related Agencies for the Fiscal Year Ending September 30, 1992, and for Other



Purposes" (the "Act"), was signed into law. This Act, among other things, provides funds to DOE to conduct cost-shared Clean Coal Technology (CCT) projects for the design, construction, and operation of facilities that " \* \* \* shall advance significantly the efficiency and environmental performance of coal-using technologies and be applicable to either new or existing facilities \* \* \*". The Act, together with Public Law 101-512, makes available a total of \$600 million for a fifth general request for Proposals under the Clean Coal program. The Act also directs DOE to issue the final PON no later than July 8, 1992. A preproposal conference will be announced in the final PON. The final PON will establish a five month deadline for the submission of proposals (December 7, 1992). The evaluation and selection of proposals is expected to be completed within five months after proposal submission (May 6, 1993).

**FOR FURTHER INFORMATION CONTACT:** Mr. Herbert D. Watkins, tel. (202) 586-1026.

Thomas S. Keefe,  
Director, Operations Division "B", Office of  
Placement and Administration.  
[FR Doc. 92-10452 Filed 5-4-92; 8:45 am]  
BILLING CODE 6450-01-M

#### Financial Assistance Award: University of Washington

**AGENCY:** U.S. Department of Energy (DOE), Richland Operations Office.

**ACTION:** Notice of intent to renew a noncompetitive financial assistance award.

**SUMMARY:** The Richland Operations Office, in accordance with 10 CFR 600.7(b)(2) gives notice of its plan to renew a financial assistance award, (cooperative agreement), to the University of Washington in Seattle, WA.

**SCOPE:** This award continues partial support for the early phase of a project which is expected to result in a comprehensive, scholarly history of the development of technology at the Hanford project and the interactive relationship between technology development and development of the community surrounding Hanford.

The DOE has determined that an award on a noncompetitive basis is appropriate for the following reason:

This project is already being conducted, by qualified historians on the faculty at the University of Washington, using the University's own resources, and the resources of third parties. DOE plans to provide support of \$29,621 in

FY92 to continue the preliminary phase of the project, the total cost of which is expected to be approximately \$218,000. This phase is expected to produce, in addition to bibliography, a preliminary narrative to coincide with the 50th anniversary of the Hanford project. DOE wishes to continue assistance to this project in order to help ensure a quality, timely completion of the preliminary phase. DOE support will enhance the public benefit to be derived from the enrichment of general historical understanding both of the Department and its predecessor organizations and of the relationship between the development of particular technologies and the people who facilitated it, as illustrated by the Hanford story.

**FOR FURTHER INFORMATION CONTACT:** Marji W. Parker, U.S. Department of Energy, Richland Field Office, Procurement Division, P.O. Box 550, Richland, WA 99352, Telephone: (509) 376-2029.

Dated: April 27, 1992.  
Robert D. Larson,  
Director, Procurement Division, Richland  
Operations Office.  
[FR Doc. 92-10450 Filed 5-4-92; 8:45 am]  
BILLING CODE 6450-01-M

#### Financial Assistance: Weirton Steel Corporation

**AGENCY:** U.S. Department of Energy.

**ACTION:** Intent to negotiate a cooperative agreement entitled "Integrated Manufacturing Information System (IMIS)™".

**SUMMARY:** The U.S. Department of Energy announces that pursuant to 10 CFR 600.14(f) it plans to award a cooperative agreement to Weirton Steel Corporation. This new agreement is the result of an unsolicited proposal (No. P9507073) as modified August 30, 1991. The objective of the project will be for development of a material marking and tracking system and a process planning and scheduling system. This award may be for up to five years at a total estimated cost of \$45-\$50 million, to be 50% cost shared by DOE. This action is authorized by Public Law 93-577, Federal Nonnuclear Energy Research and Development Act of 1974. Development of an integrated manufacturing information system for the steel industry is further provided for in Public Law 101-512. The acceptance of this unsolicited proposal is justified under 10 CFR 600.14(e). The project, as proposed, represents a unique approach to addressing a widely perceived need for obtaining and integrating plant-wide manufacturing information and real-time

materials management data. There are no recent, current, or planned solicitations under which this unsolicited proposal would be eligible for consideration.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Idaho Field Office, Attn: Linda A. Hallum, Contracts Management Division, 785 DOE Place, MS 1221, Idaho Falls, ID 83401-1562, (208) 526-5545.

**PROCUREMENT REQUEST NUMBER:** 07-92ID13162.000.

Dated: April 20, 1992.  
Dolores J. Ferri,  
Director, Contracts Management Division.  
[FR Doc. 92-10451 Filed 5-4-92; 8:45 am]  
BILLING CODE 6450-01-M

#### Federal Energy Regulatory Commission

[Docket Nos. ER92-442-000, et al.]

#### EUA Power Corp., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

##### 1. EUA Power Corp.

[Docket No. ER92-442-000]  
April 23, 1992.

Take notice that on April 6, 1992, EUA Power Corporation (EUA Power) in accordance with § 9.1 of the EUA Power Settlement Agreement in FERC Docket No. EL85-46-000, filed an annual report of sales and revenue with the FERC, the Massachusetts and Rhode Island Commissions, and the Attorneys General of Massachusetts and Rhode Island.

*Comment date:* May 7, 1992, in accordance with Standard Paragraph E. at the end of this notice.

##### 2. Wisconsin Power and Light Co.

[Docket No. ER92-440-000]  
April 23, 1992.

Take notice that on April 7, 1992, Wisconsin Power and Light Company (WP&L) tendered for filing on behalf of itself and Otter Tail Power Company (Otter Tail), an interchange Agreement (effective April 1, 1992) between the two companies and accompanying service schedules setting rates, terms, and conditions for sales of negotiated capacity and general purpose energy. Otter Tail submitted a certificate of concurrence in the filing. WP&L requests waiver of the Commission's notice requirements and an effective date of April 1, 1992.



WP&L states that a duplicate original of the Amendment has been provided to Otter Tail and to the Public Service Commission of Wisconsin.

*Comment date:* May 7, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 3. New England Power Co.

[Docket No. ER92-439-000]

April 23, 1992.

Take notice that New England Power Company (NEP), on April 7, 1992, tendered for filing a Power Contract executed with Fitchburg Gas and Electric Light Company (FGE) on April 2, 1992. NEP requests waiver of the Commission's notice requirements so that the Contract may become effective in accordance with its terms.

The purpose of the Contract is to provide FGE with up to 100 megawatts of capacity and related energy from NEP's Salem Harbor No. 4 Unit at a rate up to the full cost of service of that unit.

*Comment date:* May 7, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 4. Metropolitan Edison Co.

[Docket No. ER92-450-000]

April 23, 1992.

Take notice that on April 9, 1992, Metropolitan Edison Company (Met-Ed) tendered for filing FERC Electric Tariff Original Volume No. 2. Also tendered for filing was a Notice of Cancellation of Met-Ed's FPC Electric Tariff Original Volume No. 1.

*Comment date:* May 7, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 5. Washington Water Power Co.

[Docket No. ER92-438-000]

April 23, 1992.

Take notice that on April 6, 1992, Washington Water Power Company (WWP) tendered for filing a list of agreements which have expired by their own individual terms in the above-referenced docket.

*Comment date:* May 7, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 6. Cambridge Electric Light Co.

[Docket No. ER90-283-005]

April 24, 1992.

Take notice that on April 2, 1992, Cambridge Electric Light Company (Cambridge) tendered for filing its compliance refund report pursuant to the Commission's order issued December 6, 1990.

Copies of the tendered filing have been served by Cambridge upon the Town of Belmont, Massachusetts, the

Commission Staff and the Massachusetts Department of Public Utilities.

*Comment date:* May 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 7. James River II, Inc.

[Docket No. QF91-209-000]

April 24, 1992.

On April 22, 1992, James River II, Inc. tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining primarily to the technical data and the ownership structure of the small power production facility.

*Comment date:* May 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 8. Northern Indiana Public Service Co.

[Docket No. ER92-462-000]

April 24, 1992.

Take notice that on April 14, 1992, Northern Indiana Public Service Company (Northern Indiana) tendered for filing revisions to certain Interconnection Agreements among Consumers Power Company and the Detroit Edison Company.

*Comment date:* May 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 9. The Kansas Power and Light Co.

[Docket No. ER92-441-000]

April 24, 1992.

Take notice that on April 6, 1992, The Kansas Power and Light Company (KPL) tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Service Tariff No. 206. KPL states that the purpose of the change is to extend term of the existing Electric Power Supply Contract between KPL and the City of Horton, Kansas. The change is proposed to become effective June 14, 1992.

Copies of the filing were served upon the City of Horton and the Kansas Corporation Commission.

*Comment date:* May 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 10. Vermont Electric Power Co., Inc.

[Docket No. ER92-472-000]

April 27, 1992.

Take notice that on April 20, 1992, Vermont Electric Power Company, Inc. (VELCO) tendered for filing a revised Exhibit A (as to Vermont Marble Company only) to VELCO Power Purchase Agreement, dated as of June 1,

1981, FERC Rate Schedule No. 234. The revised Exhibit A authorizes VELCO to acquire energy for Vermont Marble from Niagara Mohawk Corporation under the Agreement between Niagara Mohawk Corporation and VELCO, dated as of February 1, 1983, when such energy is available and when Vermont Marble determines that it is economic.

VELCO proposes that the revision become effective on April 20, 1992. VELCO requests a waiver of the Commission's regulations to allow the filing to become effective as of that date. If the waiver is granted, VELCO states that there will be no adverse effect upon any of VELCO's customers. If the waiver is not granted, VELCO requests that the filing become effective on June 20, 1992, or on such other date as the Commission deems appropriate.

VELCO states that it has served the filing upon Vermont Marble Company and upon the Vermont Public Service Board and the Vermont Department of Public Service.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 11. Boston Edison Co.

[Docket No. ER92-470-000]

April 27, 1992.

Take notice that on April 20, 1992, pursuant to part 35 of the Commission's Rules and Regulations, Boston Edison Company (BECO) tendered for filing two agreements under which BECO has constructed to achieve new interconnections between itself and other utilities.

BECO requests that the agreements be permitted to become effective retroactively from the in-service date of each construction projection. As good cause for waiver of the 60-day notice requirement of section 205 to permit retroactive effective dates, BECO states that it only recently became aware that the staff regards agreements for contributions in aid of construction as rate schedules and knows of no prior assertion of this view of aid-of-construction agreements.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 12. Northeast Utilities Service Co.

[Docket No. ER92-471-000]

April 27, 1992.

Take notice that on April 16, 1992, Northeast Utilities Service Company tendered for filing a letter submitting decommissioning costs in rates charged under the Seabrook Power Contract Rate Schedule No. 2.



*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 13. Green Mountain Power Corp.

[Docket No. ER92-460-000]

April 27, 1992.

Take notice that on April 14, 1992, Green Mountain Power Corporation (GMP) tendered for filing an Agreement dated as of November 1, 1991, between GMP and Vermont Electric Generation and Transmission Cooperative, Inc. (VEG&E), pursuant to which GMP has agreed to sell capacity and associated energy from designated generation sources of GMP. GMP has requested waiver of the FERC's regulations under the Federal Power Act in order to permit the Agreement to be made effective concurrently with the commencement of service on November 1, 1991.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 14. People's Electric Cooperative

[Docket No. ER92-461-000]

April 27, 1992.

Take notice that People's Electric Cooperative, on April 14, 1992, tendered for filing proposed changes in its FERC Rate Schedule No. 2. People's proposes to amend appendix A of its Transmission Service Agreement with the Byng Public Works Authority (BPWA) to provide for an additional delivery point. This change reflects an agreement between the parties.

Copies of the filing were served upon Byng Public Works Authority, Ada, Oklahoma, and the Oklahoma Corporation Commission.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 15. Mid-Continent Area Power Pool

[Docket No. ER92-464-000]

April 27, 1992.

Take notice that on April 13, 1992, Mid-Continent Area Power Pool (MAPP) tendered for an amendment to its Agreement to accept the Municipal Energy Agency of Nebraska as a full participant of MAPP.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 16. Central Vermont Public Service, Corp.

[Docket No. ER92-467-000]

April 27, 1992.

Take notice that on April 17, 1992, Central Vermont Public Service Corporation (CVPS) tendered for filing

information in the above-referenced docket.

CVPS requests that the Commission waive its notice of filing requirements to permit the rate schedule to become effective according to its terms.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 17. Central Power and Light Co.,

[Docket No. ER92-469-000]

April 27, 1992.

Take notice that on April 17, 1992, Central Power and Light Company (CPL) tendered for filing (1) a Supplement to the Agreements for As Available Transmission Wheeling Service between CPL and Texas Electric Utilities Company (TU Electric) relating to TU Electric's purchases of power and energy from Dow Chemical, Inc. and Cogen Lyondell, Inc., and (2) a Supplement to the Agreements for As Available and Planned Capacity Transmission Wheeling Service between CPL and TU Electric relating to TU Electric's purchases of power from Cogenron, Inc. Under the Agreements, CPL provides Wheeling service in connection with TU Electric's purchases of power and energy from Dow Chemical, Cogen Lyondell, and Cogenron. The Supplements clarify the parties' intentions as to certain matters covered by the Agreements.

CPL has posted copies of the filing in accordance with the Commission's regulations.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 18. West Texas Utilities Co.

[Docket No. ER92-468-000]

April 27, 1992.

Take notice that on April 17, 1992, West Texas Utilities Company (WTU) tendered for filing (1) a Supplement to the Agreements for As Available Transmission Wheeling Service between WTU and Texas Electric Utilities Company (TU Electric) relating to TU Electric's purchases of power and energy from Dow Chemical, Inc. and Cogen Lyondell, Inc., and (2) a Supplement to the Agreements for As Available and Planned Capacity Transmission Wheeling Service between WTU and TU Electric relating to TU Electric's purchases of power from Cogenron, Inc. Under the Agreements, WTU provides Wheeling service in connection with TU Cogen Lyondell, and Cogenron. The Supplements clarify the parties' intentions as to certain matters covered by the Agreements.

WTU has posted copies of the filing in accordance with the Commission's regulations.

*Comment date:* May 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-10381 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-457-000, et al.]

### Wisconsin Gas Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

#### 1. Wisconsin Gas Co.

[Docket No. CP92-457-000]

April 23, 1992.

Take notice that on April 17, 1992, Wisconsin Gas Company (WGC), 626 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, filed in Docket No. CP92-457-000 pursuant to section 7(f) of the Natural Gas Act (NGA) an application requesting that the Commission make a service area determination for the area described herein in which WGC may enlarge or extend its facilities without further action by the Commission, issue a waiver of regulatory requirements ordinarily applicable to natural gas companies under the NGA and the Natural Gas Policy Act of 1978 (NGPA), and find that WGC qualifies as a local distribution company (LDC) for purposes of section 311 of the NGPA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.



WGC states that it is engaged in the retail distribution of natural gas for within the state of Wisconsin and is subject to the jurisdiction of the Public Service Commission of Wisconsin (PSCW). WGC states that the rates and services it will provide under the authority requested herein will also be subject to the PSCW jurisdiction.

WGC requests that the Commission determine a service area for WGC which would include Niagara, Marinette County, Wisconsin, and extend across the Menominee River into Dickinson County, Michigan, a distance of approximately 300 feet along an existing pipeline and extending 50 feet on each side of this pipeline. WGC requests this service area determination in order to provide it with the flexibility necessary to fully, adequately and economically serve its future distribution customers in and around Niagara.

Under such service area determination, WGC states that it would acquire and operate approximately 592 feet of 8-inch pipeline and appurtenant facilities extending from a point of interconnection with the facilities of MichCon in Breitung Township, Dickinson County, Michigan (MichCon/WGC Interconnect) to a point of interconnection with retail distribution facilities to be constructed by WGC in the Village and Town of Niagara, Wisconsin. It is stated that the facilities, which are located partly in Michigan and partly in Wisconsin, have a peak day capacity of 2,599 Mcf per hour and a projected average throughput of 350 Mcf per hour. WGC states that the facilities will either be purchased from Niagara of Wisconsin Paper Corporation (Niagara Paper) for \$59,618.52, or may be leased by WGC from Niagara Paper under terms to be negotiated.

According to WGC, Niagara Paper is engaged in the business of producing paper and currently owns and operates the facilities as a private pipeline for transporting natural gas from the existing interconnection with MichCon to its plant near the Village of Niagara. WGC states that to the best of its knowledge, Niagara Paper holds no certificates from the Commission, no franchises, licenses or permits with respect to its private pipeline.

WGC states that it is an LDC operating solely in Wisconsin and is exempt from the Commission's jurisdiction under section 1(c) of the NGA. It is stated that the facilities, Niagara Paper's plant and the Village and Town of Niagara are not in WGC's current service area.

It is stated that the proposed service area determination and the subsequent acquisition and operation of the

facilities by WGC will enable the Niagara Paper plant, the Village and Town of Niagara (Niagara) and their inhabitants to receive natural gas service from WGC at retail. WGC states that Niagara does not now receive natural gas service and has requested that WGC provide such service. Because of Niagara's location relative to the remainder of its system, WGC has determined that it would not be economically feasible to construct or extend its own distribution facilities to connect with those to be constructed in Niagara.

In addition, since Niagara is in close proximity to the existing transmission facilities of MichCon, located in the State of Michigan, WGC and MichCon have agreed to an arrangement whereby WGC will serve Niagara with gas transported to WGC from the MichCon system and upstream points to the MichCon/WGC Interconnect. WGC states that it will require authorization from the PSCW to purchase or lease the facilities and to construct the additional distribution facilities necessary to serve Niagara (WGC states that an application for this authorization is now pending at the PSCW in Docket No. 6650-CG-120). Upon approval as requested, WGC states that these facilities will become a noncontiguous part of its intrastate distribution and pipeline system.

Under this arrangement, WGC states that it will purchase gas from third parties, which will be delivered by such parties to MichCon at various points in the State of Michigan, and MichCon will, in turn, transport the gas to the MichCon/WGC Interconnect in Michigan. WGC states that it will then transport the gas on the facilities the short distance across the state line into Wisconsin employing the acquired facilities, at which point the gas will be delivered both to Niagara Paper and to the distribution system WGC will construct to provide retail service to Niagara.

It is stated that transportation service to be provided to WGC by MichCon will commence after all regulatory approvals have been received and will continue for a period of ten years. WGC states that it will have the option of terminating this service at the end of the fifth year of the contract term if it is unable to agree upon prices for the purchase of gas from third parties. WGC avers that it will also have the option of extending the service for an additional period of five years after the expiration of the initial term of the contract.

WGC further requests that the application be approved as expeditiously as possible so that it will

have sufficient time to construct the facilities necessary to commence the distribution of natural gas to Niagara before the onset of the 1992-93 winter heating season. WGC estimates that a section 7(f) authorization issued by July 1, 1992, will permit this in-service schedule to be achieved.

According to WGC, its proposal satisfies the key factors which the Commission has in the past considered in section 7(f) proceedings. WGC states that it does not make any sales for resale in the proposed service area, and its retail sales rates and services it will render are regulated by the PSCW. Finally, WGC states that MichCon is agreeable to WGC's limited extension into the State of Michigan.

WGC requests that the Commission find that it should be a LDC for purposes of determining the applicability of other Commission regulations. WGC submits that this will ensure that WGC has access to the transportation of gas by interstate pipelines under section 311 of the NGPA, and this finding would be consistent with other orders of the Commission under section 7(f).

WGC also seeks and express waiver by the Commission of all reporting and accounting requirements and rules and regulations which are ordinarily applicable to natural gas companies, so that WGC will be treated the same as a non-federally regulated LDC. In particular, WGC asks to be exempted from the payment of all annual charges applicable to its gas service, under § 382.102, as provided in Order No. 472, effective the date the Section 7(f) authority is issued.

*Comment date:* May 14, 1992, in accordance with Standard Paragraph F at the end of this notice.

## 2. Southern Natural Gas Co.

[Docket No. CP92-445-000]

April 23, 1992.

Take notice that on April 6, 1992, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563 filed in Docket No. CP92-445-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon firm direct industrial sales to certain customers and to provide equivalent sales volumes on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that it is presently authorized to provide firm direct sales service to Alabama Power Company at Gadsden, Alabama; Arcadian Corporation at Savannah, Georgia;



Granitville Company at two locations in South Carolina; James River Corporation near Naheola, Alabama and MacMillan Bloedel United, Inc. near Pine Hill, Alabama. Southern further states that since Southern began open-access transportation, these customers have switched the majority of their gas purchases to other suppliers. Southern asserts that the parties have restructured their direct sales agreements where necessary to provide for fully interruptible service up to the service levels previously approved by the Commission.

Southern states that it was authorized to provide interruptible direct sales to Hunt Oil Company (Hunt) in Tuscaloosa, Alabama. However, this sales was listed as firm in Southern's expansion filing at Docket No. CP69-178 and has since been construed as a firm sale, it is stated. Southern requests that its authorization to sell gas to Hunt be changed to interruptible to conform to the terms of its interruptible contract with Hunt.

*Comment date:* May 14, 1992, in accordance with Standard Paragraph F at the end of this notice.

### 3. Northern Natural Gas Co.

[Docket No. CP92-455-000]

April 23, 1992.

Take notice that on April 16, 1992, Northern Natural Gas Company (Northern Natural), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP92-455-000 a request pursuant to §§ 157.205 and 157.212 of the Regulations under the Natural Gas Act for authorization to install and operate one small volume measuring station and appurtenant facilities as a new delivery point to provide natural gas deliveries to Peoples Natural Gas Company, a Division of UtiliCorp United Inc. (Peoples) to accommodate jurisdictional sales service under Northern's Rate Schedule CD-1 to serve Brainerd/Staples Regional Technical College (Brainerd/Staples), an end-user located in Crow Wing, Minnesota under the certificate issued in Docket No. CP82-401-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request with the Commission and open to public inspection.

Northern Natural states that the estimated volumes proposed to be delivered to Peoples is 1.5 Mcf per day and 200 Mcf on an annual basis. Northern Natural further states that the volumes proposed to be delivered to Peoples at the proposed delivery point will be within the currently effective entitlements for Peoples, and that the

required volumes for Brainerd/Staples will be served from the total firm entitlement currently assigned to Minnesota small volume taps.

*Comment date:* June 8, 1992, in accordance with Standard Paragraph G at the end of this notice.

### 4. Pacific Gas Transmission Co.

[Docket No. CP92-456-000]

April 24, 1992.

Take notice that on April 17, 1992, Pacific Gas Transmission Company (PGT), 160 Spear Street, San Francisco, California 94105-1570, filed in Docket No. CP92-456-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct certain modifications to an existing meter station at Madras, Oregon, serving as a delivery point for transportation service to Cascade Natural Gas Corporation (Cascade), a local distribution company, under PGT's blanket certificate issued in Docket No. CP82-530-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

PGT states that it proposes to make the modifications in order to increase deliverability at the Madras Meter Station, located on PGT's mainline in central Oregon. It is stated that the proposal will increase the design capacity of the Madras Meter Station by some 610 MMBtu per day, from its present level of approximately 1,502 MMBtu per day to approximately 2,112 MMBtu per day. PGT asserts that Cascade has asked for the increased capacity in order to meet anticipated growth in its service area. It is asserted that PGT presently transports gas for Cascade on an interruptible basis under PGT's Rate Schedule ITS-1, and that the proposed modifications would not result in any increase in the total volume of gas transported by PGT for Cascade. PGT states that Cascade has agreed to reimburse it for the costs of the proposed meter station enhancements.

*Comment date:* June 8, 1992, in accordance with Standard Paragraph G at the end of this notice.

### 5. CNG Transmission Corp.

[Docket No. CP89-638-007]

April 27, 1992.

Take notice that on April 16, 1992, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP89-638-007, under section 7 of the Natural

Gas Act (NGA), and part 157 of the Commission's Rules and Regulations, to amend CNG's certificate authorization issued by Commission Order on June 11, 1991, as part of the open-season ANR Phase II Project, Docket Nos. CP89-638-000, 001 and 002.<sup>1</sup> The June 11 Order authorized transportation services of up to 380,600 dekatherms (Dth) per day for various shippers with the expansion of CNG's existing pipeline system between Lebanon, Ohio, and Leidy, Pennsylvania.

By this amendment, CNG respectfully requests an Order granting (1) permission under section 7(b) of the NGA to abandon two uncommenced, firm transportation services on behalf of two shippers (P&N Partners, L.P. and Delta Management Group, Ltd.) whose precedent agreements for transportation have been terminated; and (2) certificate authorization under Section 7(c) of the NGA to provide firm transportation service for two new customers, Kamine/Besicorp Allegany, L.P. (Kamine Allegany) and Kamine/Besicorp Syracuse, L.P. (Kamine Syracuse). In its application CNG proposes to decrease shipments for Northeast Energy Corporation from 11,533 Dth per day to 11,100 Dth per day, and increase shipments for Onondaga Cogeneration Limited Partnership from 15,360 Dth per day to 17,488 Dth per day.

CNG states that the plans for construction of the P&N and Delta cogen plants have slipped beyond the time frame of CNG's Lebanon to Leidy Project.

As to facilities, CNG states that this amendment proposes the deletion of the TL-485 Extension 1 pipeline (the Utica Loop, 13 miles of 24-inch) and the reduction of the TL-473 Extension 2 pipeline (the Cayuta Loop) from 6 miles of 30-inch to 1.2 miles of 30-inch pipe. With the shifting of these facilities out of the Lebanon to Leidy Project (only 1.2 miles of TL-473 Extension 2 is being retained here), CNG proposes to reduce its cost of construction north of Leidy which justifies a rate reduction for the north of Leidy which justifies a rate reduction for the north of Leidy service from 13.7 cents per dekatherm to 3.1 cents per dekatherm.

Further, according to CNG, approval of this amendment, which is only made possible by the innovative peak-shaving arrangement between Niagara Mohawk Power Corporation (Niagara Mohawk) and cogenerator shippers that are part of this project, is in the public

<sup>1</sup> Order Granting Certificate and Granting in Part Denying in Part Requests for Clarification and Rehearing, 55 FERC ¶61,415 (1991).



convenience and necessity because CNG can then provide the certificated north of Leidy transportation service without construction of certain facilities resulting in a significantly reduced rate to the customers. CNG states that this benefits the cogenerator shippers whose plants are needed in the northeast to meet the demand for electricity, particularly during the summer months when air conditioning load creates peak demand for electricity in the northeast. Niagara Mohawk also benefits from approval of this amendment according to CNG. As a result of the peak-shaving arrangements with the cogenerators, and in accordance with CNG's rate case settlement in Docket No. RP88-211, Niagara Mohawk is entitled to reduce its contract demand for sales services on CNG's system.

CNG further states that the peak-shaving arrangement is the linchpin in this amendment, which enables CNG to reduce its facility requirements north of Leidy, which in turn justifies the lower north of Leidy rate. Basically, the peak-shaving arrangement between Niagara Mohawk to take the cogenerators' gas supply for up to a total of thirty days annually from the period from November 1 through March 15. This ensures that Niagara Mohawk will still have the gas supply it needs during a peak winter day, even though it has reduced its contract demand for sales service on CNG. The cogenerator shippers, whose peak days are in the summer, not the winter, will simply switch to alternate fuel to generate electricity. Under this same arrangement, CNG is able to meet all of its requirements north of Leidy without the certificated TL-485 Extension 1 and 4.8-miles of TL-473 Extension 2.

*Comment date:* June 18, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

#### 6. ANR Pipeline Co.

[Docket No. CP92-461-000]

April 27, 1992.

Take notice that on April 21, 1992, ANR Pipeline Company (ANR) 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP92-461-000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sales service provided to Northwest Pipeline Corporation (Northwest), effective March 2, 1992, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR provided the sales service to Northwest pursuant to a Gas Gathering

and Transportation Agreement which afforded Northwest the option to purchase from ANR up to 25 percent of the volumes of natural gas transported by Northwest for ANR. The service was authorized by a prior Commission order dated July 18, 1979 in ANR Docket No. CP79-151 and Northwest Docket No. CP78-119. Northwest received authorization to abandon the transportation service in a recent Commission order issued March 2, 1992, in Docket No. CP92-255-000.

ANR states that there are no facilities proposed to be abandoned as a result of the authorization requested herein.

*Comment date:* May 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the

issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 92-10382 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-05695T Texas-53]

#### State of Texas; NGPA Notice of Determination By Jurisdictional Agency Designating Tight Formation

April 28, 1992.

Take notice that on April 13, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Strawn Formation in portions of Jack and Palo Pinto Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The designated area, consisting of approximately 2600 acres, is described in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Strawn Formation meets the requirements of the Commission's regulations set forth in 18 CFR Part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

#### Appendix

##### Strawn Formation

Jack County: All of Abstracts  
A-1761 A.A. McQuerry Survey



A-1575 D.W. Rider Survey  
 A-1171 D.W. Rider Survey  
 A-2385 John A. Fortune Survey  
 A-2386 John A. Fortune Survey  
 Jack and Palo Pinto Counties: All of  
 Abstracts  
 A-1765 D.W. Rider Survey  
 A-2377 L. McMillan Survey  
 A-1265 A.J. Hall Survey  
 Palo Pinto County: All of Abstracts  
 A-538 T.E. & L. Co. Survey #1763  
 A-539 T.E. & L. Co. Survey #1764  
 A-595 T.E. & L. Co. Survey #2015

[FR Doc. 92-10370 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-14-4-000]

**Granite State Gas Transmission, Inc.;  
 Proposed Changes in Rates**

April 28, 1992.

Take notice that on April 24, 1992, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581-5039, tendered for filing with the Commission the revised tariff sheets listed below in its FERC Gas Tariff, Second Revised Volume No. 1 and First Revised Volume No. 2, containing changes in rates for effectiveness on the dates indicated:

	Effective dates
Second Revised Volume No. 1:	
Substitute Tenth Revised Sheet No. 21.	Feb. 1, 1992.
Substitute Eleventh Revised Sheet No. 21.	Feb. 5, 1992.
Substitute Twelfth Revised Sheet No. 21.	Mar. 1, 1992.
Substitute Thirteenth Revised Sheet No. 21.	Mar. 6, 1992.
Substitute Fourteenth Revised Sheet No. 21.	Apr. 1, 1992.
Substitute Fifth Revised Sheet No. 22.	Feb. 1, 1992.
Substitute Eleventh Revised Sheet No. 25.	Feb. 1, 1992.
Substitute Twelfth Revised Sheet No. 25.	Mar. 1, 1992.
First Revised Volume No. 2:	
Substitute First Revised Sheet No. 18.	Feb. 1, 1992.
Substitute Third Revised Sheet No. 28.	.....Do.
Substitute First Revised Sheet No. 39.	.....Do.

According to Granite State, Tennessee Gas Pipeline Company (Tennessee) provides certain transportation services for Granite State and Granite State is authorized to track the effect of Tennessee's rates in the Transportation Cost Adjustment in its sales rates and in the rates for storage-related transportation services rendered to its affiliated distribution company customers, Bay State Gas Company and Northern Utilities, Inc. It is further

stated that Tennessee filed revised rates for these services, effective February 1, 1992 in Docket No. RP91-203-000 which Granite State tracked in Docket No. TM92-11-4-000. Granite State further states that Tennessee filed revisions in its transportation rates on April 14, 1992 in Docket No. RP91-203-000. According to Granite State, its filing tracks the changes made by Tennessee in its filing of April 14, 1992 in Docket No. RP91-203-000.

Granite State further states that copies of its filing were served upon Bay State Gas Company and Northern Utilities, Inc. and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules or Practice and Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before May 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-10371 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-1-92-000]

**Mojave Pipeline Company; Tariff Filing**

April 28, 1992.

Take notice that Mojave Pipeline Company ("Mojave"), on April 23, 1992, tendered for filing 1st Revised Sheet No. 11 to its FERC Gas Tariff Original Volume No. 1, in compliance with part 154 of the Commission's regulations.

1st Revised Sheet No. 11 provides for the collection of the Commission-authorized GRI surcharge. Mojave has requested a waiver of § 154.22 of the Commission's regulations, which require that tariff sheets be filed no less than 30 days before they are to become effective. Mojave proposes that the tariff sheet become effective May 1, 1992.

Copies of this filing have been served upon all of Mojave's jurisdictional transportation customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-10372 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

**Natural Gas Pipeline Co. of America;  
 Filing to Institute Exit Fee**

April 28, 1992.

Take notice that on April 23, 1992, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148 filed revised tariff sheets in Docket No. RP92-156 pursuant to Section 4 of the Natural Gas Act, to institute an exit fee. This charge would be applicable to firm sales customers under Rate Schedules DMQ-1 and G-1, or successor firm sales arrangements, which reduce firm sales service on Natural below existing levels, except for specified conversion/reduction rights. The revised tariff sheets, for which Natural requests an effective date of June 1, 1992, are the following:

Fourteenth Revised Sheet No. 5C.1  
 Thirteenth Revised Sheet No. 5C.2  
 Second Revised Sheet No. 8.1  
 Second Revised Sheet No. 13B  
 Original Sheet Nos. 200K-200R

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before May 5, 1992, file with the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in



accordance with the Commission's Rules.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-10373 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-166-008]

### Northwest Pipeline Corp.; Change in FERC Gas Tariff

April 28, 1992.

Take notice that on April 22, 1992 Northwest Pipeline Corporation (Northwest) tendered the following tariff sheets for filing and acceptance to be a part of its FERC Gas Tariff, First Revised Volume No. 1-A.

First Revised Second Revised Sheet No. 602  
Substitute Third Revised Sheet No. 602  
Substitute Fourth Revised Sheet No. 602

The purpose of this filing is to revise Northwest's Index of Purchasers in compliance with the Commission's March 23, 1991 letter order in Docket No. RP91-166-006.

Northwest has requested various effective dates for the tendered sheets, as detailed in the filing.

Northwest states that copies of its filing have been served on all parties of record in this docket and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before May 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-10374 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-155-000]

### Ozark Gas Transmission System; Notice of Filing

April 28, 1992.

Take notice that on April 21, 1992, Ozark Gas Transmission System ("Ozark") submitted for filing with the Commission the following revised tariff sheet:

Second Revised Sheet No. 126

Ozark states that the purpose of the revision is to allow Ozark to discount the level of certain costs set out in § 4.4 of its ITS Rate Schedule. Ozark requests that the subject tariff sheet be made effective on May 22, 1992. Ozark states that copies of this filing have been served on its current T-1 and ITS shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules. All such motions or protests should be filed on or before May 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-10375 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-7

[Docket No. RP92-157-000]

### Pacific Offshore Pipeline Co.; Change in Rate

April 28, 1992.

Take notice that on April 24, 1992, Pacific Offshore Pipeline Company ("POPCO") tendered for filing a Cost and Revenue Study and Rate Redetermination for natural gas service rendered pursuant to Rate Schedule G-1, FT-1, and IT-1 of its FERC Gas Tariff. The rate redetermination reflects a decrease in the currently authorized rates.

As part of this filing, in compliance with the Commission's electronic filing requirements, POPCO is submitting First Revised Volume No. 1 of its Gas Tariff to supersede Original Volume No. 1.

POPCO has requested that waiver be granted of all applicable rules and regulations of the Commission as may be necessary to implement the notice of change effective June 1, 1992.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests should be filed on or before

May 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-10376 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FA91-34-001]

### Tennessee Gas Pipeline Co.; Consent To Shortened Procedures

Issued April 28, 1992.

On March 10, 1992, the Office of the Chief Accountant issued a report on the examination of the books and records of Tennessee Gas Pipeline Company (Tennessee) for the period January 1, 1988 through December 31, 1990. 58 FERC ¶ 62,248. As noted in that report, Tennessee disagrees with Correcting Entry No. 3, Schedule No. 2, and Compliance Exception No. 2, Schedule No. 3. By letter filed April 13, 1992, Tennessee consented to disposition of this matter under the shortened procedures set forth in 18 CFR Part 158.

Therefore, initial memoranda of facts and arguments shall be due on or before May 28, 1992. Replies shall be due on or before June 16, 1992.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-10377 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP91-210-008 and RP91-210-009]

### Tennessee Gas Pipeline Co.; Technical Conference

April 28, 1992.

The Joint Petitioners' April 3, 1992 request for rehearing of the Commission's March 4, 1992 order in Docket No. RP91-210-009 raises the following issue for which a technical conference should be convened: whether Tennessee Gas Pipeline company is able to provide the delivery information required by its provisions to cash-out imbalances. Tennessee Gas Pipeline Company's compliance filing in Docket No. RP91-210-008 raises the same issue. The conference to address this issue has been scheduled for May



12, 1992, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

All interested persons and staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 92-10378 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ92-2-9-001, TM92-3-9-001]

### Tennessee Gas Pipeline Co.; Tariff Filing

April 28, 1992.

Take notice that on April 23, 1992, Tennessee Gas Pipeline Company (Tennessee) filed the following revised tariff sheets to its FERC Gas Tariff to be effective April 1, 1992:

Item A:

#### Third Revised Volume No. 1

Substitute Seventh Revised Sheet No. 20  
Substitute First Revised Sheet No. 20A  
Substitute Seventh Revised Sheet No. 21  
Substitute First Revised Sheet No. 21A

#### Original Volume No. 2

Substitute Twenty-Sixth Revised Sheet No. 5  
Substitute First Revised Sheet No. 5A

Item B: (Alternate)

#### Third Revised Volume No. 1

Alternate Substitute Seventh Revised Sheet No. 20

Alternate Substitute First Revised Sheet No. 20A

Alternate Substitute Seventh Revised Sheet No. 21

Alternate Substitute First Revised Sheet No. 21A

#### Original Volume No. 2

Alternate Substitute Twenty-Sixth Revised Sheet No. 5

Alternate Substitute First Revised Sheet No. 5A

Tennessee states that the purpose of this filing is to reflect the correct totals of the daily demand rates on Sheet No. 20A in compliance with the March 25, 1992 Order in the above-referenced dockets, and to conform these tariff sheets in accordance with Tennessee's compliance filing on April 14, 1992 in Docket No. RP91-203. In that regard, Tennessee requests that the Commission accept those sheets listed in Item A above if it accepts the primary sheets listed in appendix A of the April 14 Filing or accept those sheets listed in Item B above if it accepts the alternate sheets listed in appendix B of the April 14 Filing.

Any person desiring to protest said

filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-10379 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-126-010]

### United Gas Pipe Line Company; Compliance Tariff Filing

April 28, 1992.

Take notice that on April 22, 1992, United Gas Pipe Line Company (United) tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission's (Commission) Regulations under the Natural Gas Act, the following tariff sheet:

#### Third Revised Volume No. 1

Third Substitute Original Sheet No. 25

In its April 7, 1992 Order, the Federal Energy Regulatory Commission Accepted Tariff Sheets Filed November 6, 1991, and Tariff Sheets Filed January 29, 1992. In the April 7, 1992 order, the Commission also directed United to refile tariff language in order to comply with that portion of the Commission's October 22, 1991 Order in Docket No. RP91-126, *et al.* relating to the implementation of a price cap and revenue sharing mechanism related to United's MRSDS Rate Schedule. United agreed to these items in its Reply Comments to the September 30, 1991 settlement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before May 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-10380 Filed 5-4-92; 8:45 am]

BILLING CODE 6717-01-M

### Office of Fossil Energy

[FE Docket No. 92-40-NG]

### Enmark Gas Corp; Application To Export Natural Gas to Canada

**AGENCY:** Department of Energy, Office of Fossil Energy.

**ACTION:** Notice of application for blanket authorization to export natural gas to Canada.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on March 23, 1992, of an application filed by EnMark Gas Corp. (EnMark) requesting blanket authorization to export up to 40 Bcf of natural gas to Canada over a two-year period commencing with the date of first delivery. EnMark intends to use existing pipeline facilities for transportation of the volumes to be exported. EnMark states that it will submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

**DATES:** Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, June 4, 1992.

**ADDRESSES:** Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue SW, Washington, DC 20585.

#### FOR FURTHER INFORMATION CONTACT:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-7751  
Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

**SUPPLEMENTARY INFORMATION:** EnMark,



a corporation organized and existing under the laws of the State of Texas, has its principal place of business in Dallas, Texas. Enmark is an affiliate of EnMark Gas Gathering L.P. which is a producer and seller of natural gas from onshore of the United States.

EnMark states that it will enter into short and intermediate term arrangements, with individually negotiated terms, including price and volume. Thus, each transaction will be responsive to market conditions and competitive with the markets being served.

The export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204-111 and 0204-127. In deciding whether the proposed export is in the public interest, domestic need for the natural gas will be considered, and any other issue determined to be appropriate, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts that there is no current need for the domestic gas that would be exported under the proposed arrangement, parties opposing this arrangement bear the burden of overcoming this assertion.

#### NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

#### Public Comment Procedure

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests,

motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of EnMark's application is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC On April 27, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-10453 Filed 5-4-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-119-NG]

#### PanCanadian Petroleum Co., Order Granting Blanket Authorization To Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of an order granting blanket authorization to import natural gas.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting PanCanadian Petroleum Company blanket authorization to import up to 106.58 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., April 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-10454 Filed 5-4-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-91-NG]

#### Washington Natural Gas Co.; Order Granting Authorization To Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of order granting authorization to import natural gas from Canada.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Washington Natural Gas Company authorization to import from Canada up to 7,212 Mcf per day of natural gas from April 24, 1992, through October 31, 1992, and 9,615 Mcf per day of natural gas from November 1, 1992, through October 31, 2002.

A copy of this Order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.



Issued in Washington, DC, April 29, 1992.  
**Charles F. Vacek,**  
*Deputy Assistant Secretary for Fuels  
 Programs, Office of Fossil Energy.*  
 [FR Doc. 92-10455 Filed 5-4-92; 8:45 am]  
 BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-4129-8]

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Environmental Protection  
 Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

**DATES:** Comments must be submitted on or before June 4, 1992.

**FOR FURTHER INFORMATION OR A COPY OF THIS ICR, CONTACT:** Sandy Farmer at EPA, (202) 260-2740.

### SUPPLEMENTARY INFORMATION:

#### Office of Air and Radiation

**Title:** Enforcement Policy Regarding the Sale and Use of Aftermarket Catalytic Converters (EPA ICR No. 1292.03; OMB No. 2060-0135). This ICR requests renewal of the existing clearance.

**Abstract:** Manufacturers who recondition used catalytic converters and who manufacture replacement catalytic converters must submit semi-annual reports to the EPA describing the reconditioned or manufactured catalysts. For each catalyst line, the Agency requires information concerning the catalysts' design, testing and warranty as well as the make, model and year of the vehicle(s) in which the catalyst may be installed. The EPA uses this information in enforcing its policies on the sale and use of aftermarket catalytic converters.

**Burden Statement:** The public reporting burden for this collection of information is estimated to average 150 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**Respondents:** Manufacturers of aftermarket catalytic converters and reconditioners of used catalytic converters.

**Estimated Number of Respondents:** 17  
**Estimated Total Annual Burden on Respondents:** 5076.

**Frequency of Collection:** Semi-annually.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to:

Sandy Farmer,  
 U.S. Environmental Protection Agency,  
 Information Policy Branch (PM-223Y),  
 401 M Street SW.,  
 Washington, DC 20460

and

Troy Hillier,  
 Office of Management and Budget,  
 Office of Information and Regulatory  
 Affairs,  
 725 17th Street NW.,  
 Washington, DC 20530.

Dated: April 29, 1992.

**Paul Lapsley,**  
*Director, Regulatory Management Division.*  
 [FR Doc. 92-10431 Filed 5-4-92; 8:45 am]  
 BILLING CODE 6560-50-M

[FRL-41-29-9]

### Underground Injection Control Program, Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Texas Ecologists, Inc., Robstown, TX

**AGENCY:** Environmental Protection  
 Agency.

**ACTION:** Notice of final decision on  
 petition.

**SUMMARY:** Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Texas Ecologists, Inc., for the Class I injection well located at Robstown, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Texas Ecologists, Inc., of the specific restricted hazardous waste identified in the petition, into the Class I hazardous

waste injection well at the Robstown, Texas facility specifically identified in the petition, for as long as the basis for granting an approval of the petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued February 3, 1992. A public hearing was held March 4, 1992, and the public comment period ended on March 18, 1992. All comments have been addressed and have been considered in the final decision. This decision constitutes final Agency action and there is no administrative appeal.

**DATES:** This action is effective as of April 28, 1992.

**ADDRESSES:** Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:**  
 Oscar Cabra, Jr., Chief, Water Supply  
 Branch, EPA—Region 6, telephone (214)  
 655-7150, (FTS) 255-7150.

**Myron O. Knudson, P.E.,**  
*Director, Water Management Division (6W).*  
 [FR Doc. 92-10440 Filed 5-4-92; 8:45 am]  
 BILLING CODE 6560-50-M

[FRL-4130-3]

### Coke Oven Batteries Advisory Committee Meetings

**AGENCY:** Environmental Protection  
 Agency.

**ACTION:** Notice of May 21-22 meeting.

**SUMMARY:** The National Emission Standards for Coke Oven Batteries Advisory Committee will meet in Washington, DC on May 21-22. On May 21, the meeting will start at 1:30 p.m. and run until completion. On May 22, the meeting will start at 8:30 a.m. and end at 3 p.m. All meetings will be held at the Quality Hotel Capitol Hill, Washington, DC.

**ADDRESSES:** The Committee will meet at the Quality Hotel Capitol Hill, 425 New Jersey Avenue NW., 20001, (202) 638-1616.

**FOR FURTHER INFORMATION CONTACT:**  
 For information on substantive matters, please contact Amanda Agnew, Office of Air Quality Planning and Standards (919) 541-5268. For information on administrative matters, please contact the Committee's Facilitator, Phil Harter, at (202) 887-1033.



Dated: April 30, 1992.

Chris Kirtz,

Designated Federal Official, Cake Oven  
Battery Advisory Committee.

[FR Doc. 92-10429 Filed 5-4-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-59933; FRL 4065-3]

### Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). In the Federal Register of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 3 such PMN(s) and provides a summary of each.

**DATES:** Close of review periods:

Y 92-132, May 13, 1992.

Y 92-133, 92-134, May 17, 1992.

#### FOR FURTHER INFORMATION CONTACT:

David Kling, Acting Director,  
Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 92-132

Importer. Confidential.

Chemical. (G) Copolymer with styrene monomer, acrylic monomer and dimethacrylic monomer.

Use/Production. (G) Binder resin.  
Import range: Confidential.

Y 92-133

Manufacturer. Avery Chemical  
Division.

Chemical. (G) Non-volatile acrylic copolymer.

Use/Production. (S) Pressure sensitive adhesive. Prod. range: Confidential.

Y 92-134

Manufacturer. Henkel Corporation.  
Chemical. (G) Polyester.

Use/Production. (S) Plasticizer. Prod. range: 100,000-200,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 5 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: none species (rabbit).

Dated: April 30, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management  
Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-10423 Filed 5-4-92; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-51793; FRL 4063-4]

### Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of 54 such PMNs and provides a summary of each.

**DATES:** Close of review periods:

P 92-714, 92-715, 92-717, June 30, 1992.

P 92-718, May 6, 1992.

P 92-719, 92-720, July 1, 1992.

P 92-721, 92-722, 92-723, 92-724, 92-725, 92-726, 92-727, 92-728, 92-729, 92-730, 92-731, July 6, 1992.

P 92-732, 92-733, 92-734, 92-735, 92-736, 92-737, 92-738, July 4, 1992.

P 92-739, 92-740, 92-741, 92-742, July 5, 1992.

P 92-743, July 6, 1992.

P 92-744, 92-745, 92-746, 92-747, 92-748, July 7, 1992.

P 92-749, 92-750, 92-751, 92-752, 92-753, 92-754, July 11, 1992.

P 92-755, 92-756, July 12, 1992.

P 92-757, July 13, 1992.

P 92-758, 92-759, 92-760, 92-761, 92-762, 92-763, 92-764, 92-765, 92-766, 92-767, July 14, 1992.

P 92-768, July 15, 1992.

Written comments by:

P 92-714, 92-715, 92-717, May 31, 1992.

P 92-718, April 6, 1992.

P 92-719, 92-720, June 1, 1992.

P 92-721, 92-722, 92-723, 92-724, 92-725, 92-726, 92-727, 92-728, 92-729, 92-730, 92-731, June 6, 1992.

P 92-732, 92-733, 92-734, 92-735, 92-736, 92-737, 92-738, June 4, 1992.

P 92-739, 92-740, 92-741, 92-742, June 5, 1992.

P 92-743, June 6, 1992.

P 92-744, 92-745, 92-746, 92-747, 92-748, June 7, 1992.

P 92-749, 92-750, 92-751, 92-752, 92-753, 92-754, June 11, 1992.

P 92-755, 92-756, June 12, 1992.

P 92-757, June 13, 1992.

P 92-758, 92-759, 92-760, 92-761, 92-762, 92-763, 92-764, 92-765, 92-766, 92-767, June 14, 1992.

P 92-769, June 15, 1992.

**ADDRESSES:** Written comments, identified by the document control number "(OPPTS-51793)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. 201ET, Washington, DC, 20460, (202) 260-3532.

#### FOR FURTHER INFORMATION CONTACT:

David Kling, Acting Director,  
Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC, 20460 (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 92-714

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyisocyanate.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 92-715

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyisocyanate.



*Use/Production.* (G) Open, nondispersive. Prod. range: Confidential.

**P 92-717**

*Importer.* Confidential.

*Chemical.* (G) Polyether polyamine.

*Use/Production.* (G) Papermaking additive. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 2,310 mg/kg species (rat). Skin irritation: mild species (rabbit). Mutagenicity: negative.

**P 92-718**

*Manufacturer.* Confidential.

*Chemical.* (G) Acrylic emulsion.

*Use/Production.* (G) Open, nondispersive. Prod. range: Confidential.

**P 92-719**

*Manufacturer.* Hercules Incorporation.

*Chemical.* (G) Rosin-modified hydrocarbon resin.

*Use/Production.* (G) Industrial use in printing inks. Prod. range: Confidential.

**P 92-720**

*Manufacturer.* Confidential.

*Chemical.* (G) Metal salts.

*Use/Production.* (G) Polymer additive. Prod. range: Confidential.

**P 92-721**

*Manufacturer.* Confidential.

*Chemical.* (G) Potassium alcoholates.

*Use/Production.* (S) Chemical intermediate. Prod. range: Confidential.

**P 92-722**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Acrylic latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-723**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Styrene-acrylic latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-724**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Styrene-acrylic-latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute

dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-725**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Styrene-butadiene latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-726**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Acrylic latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-727**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Styrene-acrylic latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-728**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Acrylic latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-729**

*Manufacturer.* Rhone Poulenc Inc.

*Chemical.* (G) Vinyl latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-730**

*Manufacturer.* Rhone-Poulenc Inc.

*Chemical.* (G) Styrene-acrylic latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-731**

*Manufacturer.* Rhone-Poulenc.

*Chemical.* (G) Acrylic latex.

*Use/Production.* (G) Binder/protective coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rabbit). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

**P 92-732**

*Importer.* Huls America Inc.

*Chemical.* (G) Alkyl polyglycolether phosphoric acid partial ester sodium salt.

*Use/Import.* (S) Textile auxiliary. Import range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Eye irritation: moderate species (rabbit). Skin irritation: moderate species (rabbit).

**P 92-733**

*Manufacturer.* Bedoukian Research, Inc.

*Chemical.* (G) Mono-bromo substituted alkyne.

*Use/Production.* (S) Chemical intermediate. Prod. range: Confidential.

**P 92-734**

*Manufacturer.* Reichhold Chemicals, Inc.

*Chemical.* (G) Phenolic modified alkyd resin.

*Use/Production.* (S) Binder for industrial coatings. Prod. range: Confidential.

**P 92-735**

*Manufacturer.* Hercules Incorporation.

*Chemical.* (G) Aromatic/aliphatic hydrocarbon resin.

*Use/Production.* (G) Open, nondispersive. Prod. range: Confidential.

**P 92-736**

*Manufacturer.* Confidential.

*Chemical.* (G) Urethane acrylic latex.

*Use/Production.* (G) Component of coating. Prod. range: 3,000-10,000 kg/yr.

**P 92-737**

*Manufacturer.* Confidential.

*Chemical.* (G) Urethane acrylic latex.

*Use/Production.* (G) Component of coating. Prod. range: 3,000-10,000 kg/yr.



## P 92-738

*Manufacturer.* Confidential.  
*Chemical.* (G) Urethane acrylic latex.  
*Use/Production.* (G) Component of coating. Prod. range: 3,000-10,000 kg/yr.

## P 92-739

*Manufacturer.* Rohm Tech Inc.  
*Chemical.* (G) Higher alkyl methacrylate.  
*Use/Production.* (G) Mineral oil additive. Prod. range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 5,000 mg/kg species (rabbit). Eye irritation: none species (rabbit). Skin irritation: mild species (rabbit).

## P 92-740

*Manufacturer.* Rohm Tech Inc.  
*Chemical.* (G) Higher alkyl methacrylate.  
*Use/Production.* (G) Mineral oil additive. Prod. range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 5,000 mg/kg species (rabbit). Eye irritation: none species (rabbit). Skin irritation: mild species (rabbit).

## P 92-741

*Manufacturer.* Rohm Tech Inc.  
*Chemical.* (G) Higher alkyl methacrylate.  
*Use/Production.* (G) Mineral oil additive. Prod. range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 5,000 mg/kg species (rabbit). Eye irritation: none species (rabbit). Skin irritation: mild species (rabbit).

## P 92-742

*Manufacturer.* Rohm Tech Inc.  
*Chemical.* (G) Higher alkyl methacrylate.  
*Use/Production.* (G) Mineral oil additive. Prod. range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 5,000 mg/kg species (rabbit). Eye irritation: none species (rabbit). Skin irritation: mild species (rabbit).

## P 92-743

*Importer.* Confidential.  
*Chemical.* (G) Carbodiimide polyurethane.  
*Use/Import.* (G) Coatings, additive. Import range: Confidential.

## P 92-744

*Manufacturer.* Eastman Kodak Company.  
*Chemical.* (G) Substituted bispyridinium salt.

*Use/Production.* (G) Chemical intermediate. Prod. range: 250-2,500 kg/yr.

*Toxicity Data.* Acute oral toxicity: LD50 > 192 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: none species (rabbit). Skin sensitization: negative species (guinea pig).

## P 92-745

*Importer.* Confidential.  
*Chemical.* (G) Phenyl alkyl phosphite.  
*Use/Production.* (G) Additive for plastics. Prod. range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Eye irritation: minimal species (rabbit). Skin irritation: none species (rabbit).

## P 92-746

*Manufacturer.* Confidential.  
*Chemical.* (G) organic tellurate salt.  
*Use/Production.* (G) Water repellent additive. Prod. range: Confidential.

## P 92-747

*Manufacturer.* Confidential.  
*Chemical.* (G) Organic tellurate salt.  
*Use/Production.* (G) Water repellent additive. Prod. range: Confidential.

## P 92-748

*Manufacturer.* Bedoukian Research, Inc.  
*Chemical.* (G) Non-bromo substituted alkene.  
*Use/Production.* (S) Chemical intermediate. Prod. range: Confidential.

## P 92-749

*Manufacturer.* Estron Chemical, Inc.  
*Chemical.* (G) Benzenesulfonamide, ar-methyl-polymer with formaldehyde and 1,3,5 triazine-2,4,6 triamine.  
*Use/Production.* (S) Adhesion promoter for coatings and lacquers. Prod. range: Confidential.

## P 92-750

*Manufacturer.* Monsanto Company.  
*Chemical.* (G) Polymer of a mixed aryl epoxide with a bis aryl pyrrole-2,5-dione.

*Use/Production.* (G) Coating. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 5,000 mg/kg species (rabbit). Eye irritation: severe species (rabbit). Skin irritation: minimal species (rabbit).

## P 92-751

*Importer.* EM Industries, Inc.  
*Chemical.* (G) Mixed metal oxide.  
*Use/Import.* (S) Vapor deposition coating applications. Import range: Confidential.

## P 92-752

*Importer.* Hoechst Celanese Corporation.

*Chemical.* (G) Aryl substituted chloromethyl triazine.

*Use/Import.* (G) Component for light sensitive coatings. Import range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Eye irritation: minimal species (rabbit). Skin irritation: none species (rabbit). Mutagenicity: negative.

## P 92-753

*Manufacturer.* Confidential.  
*Chemical.* (G) Amine functional epoxy resin salted with an organic acid.  
*Use/Production.* (G) Coatings. Prod. range: 480,000-2,400,000 kg/yr.

## P 92-754

*Manufacturer.* Confidential.  
*Chemical.* (G) Amine functional epoxy resin salted with an organic acid.  
*Use/Production.* (G) Coatings. Prod. range: 480,000-2,400,000 kg/yr.

## P 92-755

*Manufacturer.* Minnesota Mining & Manufacturing Co., (3M)  
*Chemical.* (G) Substituted ether.  
*Use/Production.* (S) Chemical intermediate. Prod. range: Confidential.  
*Toxicity Data.* Acute dermal toxicity: > 2 g/kg species (rabbit). Static acute toxicity: LC50 29% time 96h species (P. prumelas). Eye irritation: minimal species (rabbit). Skin irritation: mild species (rabbit).

## P 92-756

*Manufacturer.* Minnesota Mining & Manufacturing Co., (3M).  
*Chemical.* (G) Perfluorinated substituted ether.

*Use/Production.* (G) Heat transfer medium. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: > 5 g/kg species (rabbit). Eye irritation: none species (rabbit). Skin irritation: none species (rabbit).

## P 92-757

*Importer.* Confidential.  
*Chemical.* (G) Acrylic copolymer emulsion.  
*Use/Import.* (S) Coating for film. Import range: Confidential.

## P 92-758

*Manufacturer.* The Woodbridge Corporation.  
*Chemical.* (G) Polyurethane suspension in polyol.  
*Use/Production.* (G) Manufacture of polyurethane foam. Prod. range: Confidential.



**Toxicity Data.** Acute oral toxicity: LD50 > 5 g/kg species (rat). Acute dermal toxicity: > 2 g/kg species (rabbit). Inhalation toxicity: > 191 mg/L species (rat). Eye irritation: none species (rabbit). Skin irritation: none species (rabbit). Skin sensitization species (guinea pig).

**P 92-759**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-760**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-761**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-762**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-763**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-764**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-765**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-766**

**Manufacturer.** Confidential.

**Chemical.** (G) Transition metal compound.

**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-767**

**Manufacturer.** Confidential.  
**Chemical.** (G) Transition metal compound.  
**Use/Production.** (G) Additive in manufactured article. Prod. range: Confidential.

**P 92-769**

**Importer.** Toyo Ink America Incorporated.  
**Chemical.** (G) Styrene-maleic anhydride copolymer-methacrylate.  
**Use/Import.** (S) Base resin. Import range: 4,000-20,000 kg/yr.

Dated: April 28, 1992.  
Steven Newburg-Rinn,  
Acting Director, Information Management  
Division, Office of Pollution Prevention and  
Toxics.

[FR Doc. 92-10424 Filed 5-4-92; 8:45 am]  
BILLING CODE 6560-50-F

**[FRL-4130-4]**

**Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity To Comment Regarding Union Electric Company, St. Louis, MO**

**AGENCY:** Environmental Protection Agency ("EPA").

**ACTION:** Notice of proposed administrative penalty assessment and opportunity to comment regarding Union Electric Company, St. Louis, Missouri.

**SUMMARY:** EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act ("Act"). EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1319(g)(4)(A).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR part 22. The procedures by which the public may submit written comment on a proposed Class-II order or

participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after issuance of this public notice.

On April 2, 1992, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following Complaint: In the Matter of Union Electric Company, EPA Docket No. VII-92-W-0025. This is a consolidated case with related EPA Docket Nos. VII-91-T-622 and VII-91E-001.

The Complaint proposes a penalty of Ten Thousand Dollars (\$10,000.00) for discharging sodium hydroxide from the Union Electric Company Sioux power plant located in West Alton, St. Charles County, Missouri, through a wastewater discharge outfall at levels in excess of the permitted limit in violation of Respondent's NPDES permit pursuant to 40 CFR 301(a) and 402 of the Act, 33 U.S.C. 1311(a) and 1642.

**FOR FURTHER INFORMATION CONTACT:**

Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administration record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will open for public inspection during normal business hours. All information submitted by Union Electric Company is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to thirty (30) days from the date of this notice.

Dated: April 2, 1992.

Martha Steincamp,

Acting Regional Administrator.

[FR Doc. 92-10430 Filed 5-4-92; 8:45 am]

BILLING CODE 6560-50-M

**ENDANGERED SPECIES COMMITTEE**

**Notice of Meeting**

**AGENCY:** Endangered Species Committee.



**ACTION:** Notice of meeting.

**DATES AND ADDRESS:** The Endangered Species Committee will meet beginning on Thursday, May 14, 1992 at 10 a.m. in room 5160, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

**SUMMARY:** The Secretary of the Interior and Chairman of the Endangered Species Committee will hold a meeting of the Endangered Species Committee beginning on Thursday, May 14, 1992 at 10 a.m. in room 5160, Department of the Interior, 1849 C Street NW., Washington, DC 20240. The Endangered Species Act requires the Chairman to submit a report to the Committee summarizing the hearing record and addressing specific criteria. The Secretary submitted the report to the Committee on April 29, 1992. At the meeting beginning May 14, the Committee will determine whether to grant the Bureau of Land Management's request for exemption under section 7 of the Endangered Species Act that would permit the Bureau to hold timber sales on 44 tracts remaining in its 1991 timber sales program in Oregon. The meeting will be open to the public.

**FOR FURTHER INFORMATION CONTACT:** Jon H. Goldstein, (202) 208-4077.

**SUPPLEMENTARY INFORMATION:** A Notice in the September 25, 1991 *Federal Register*, 56 FR 48546, advised that the Bureau of Land Management filed an application with the Secretary of the Interior seeking exemption under section 7 of the Endangered Species Act that would permit the Bureau to hold timber sales on 44 tracts remaining in its 1991 timber sales program in Oregon.

A Notice in the October 22, 1991 *Federal Register*, 56 FR 54562, advised that on October 1, 1991, the Secretary of the Interior, who is also the Chairman of the Endangered Species Committee, determined that the threshold requirements concerning the application have been met and that a hearing would be conducted.

The Secretary of the Interior designated Harvey C. Sweitzer, an Administrative Law Judge, to conduct the evidentiary hearing. The Administrative Law Judge was assisted by the staff of the Endangered Species Committee, which includes the Division of General Law, Office of the Solicitor, Department of the Interior, and the Office of Program Analysis, Department of the Interior. The evidentiary hearing began on January 8, 1992 and concluded on January 30, 1992, in Portland, Oregon. See 56 FR 57633, November 13, 1991, the *Federal Register* notice that appointed the Administrative Law Judge and

established the date of the hearing. An additional public hearing was conducted on February 12-13, 1992, in Portland. See 57 FR 4010, February 3, 1992, the *Federal Register* notice that established the date and location of the public hearing.

Copies of the exemption application may be inspected without charge and may be obtained for a fee of \$221.00 at the Natural Resources Library, 1st Floor, Department of the Interior, 1849 C St. NW., Washington, DC 20240. The Administrative Record can also be reviewed at the Library, from 1 p.m. until 5 p.m., Monday through Friday. In addition, copies of the application are being offered for sale by the Superintendent of Documents, and are available for examination free of charge at all U.S. Government depository libraries. Further, the application and the Administrative Record can be reviewed in Portland, Oregon, at the following location from 8-11 a.m. and 1-3 p.m. Pacific Time: Office of Environmental Affairs, Department of the Interior, 500 NE. Multnomah Street, suite 600, Portland, Oregon 97232-2036. Because of the small size of the reviewing facility, persons wishing to review the documentation should telephone the facility at (503) 231-6157 to establish a time for the review.

The Secretary of the Interior submitted his report to the Endangered Species Committee on April 29, 1992. Copies of the April 29, 1992 Report of the Secretary of the Interior to the Endangered Species Committee may be inspected without charge at the Natural Resources Library, 1st Floor, Department of the Interior, 1849 C St. NW., Washington, DC 20240. Further, the Report can be viewed in Portland, Oregon, at the following location from 8-11 a.m. and 1-3 p.m. Pacific Time: Office of Environmental Affairs, Department of the Interior, 500 NE. Multnomah Street, suite 600, Portland, Oregon 97232-2036. Because of the small size of the reviewing facility, persons wishing to review the Report should telephone the facility at (503) 231-6157 to establish a time for the review. In addition, copies of the Report will be offered for sale by the Superintendent of Documents, and will be available for examination free of charge at all U.S. Government depository libraries.

**John E. Schrote,**

*Assistant Secretary—Policy, Management and Budget and Staff to the Chairman, Endangered Species Committee.*

[FR Doc. 92-10568 Filed 5-4-92; 8:45 am]

**BILLING CODE 4310-10-M**

**FEDERAL COMMUNICATIONS COMMISSION****Public Information Collection Requirement Submitted to Office of Management and Budget for Review**

April 27, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

**OMB Number:** 3060-0355.

**Title:** Rate of Return Report.

**Form Number:** FCC Form 492.

**Action:** Revision of a currently approved collection.

**Respondents:** Businesses or other for-profit.

**Frequency of Response:** Quarterly, annually and Other: Price cap carriers must file correction reports within 15 months after the end of the calendar year; other carriers must file adjustments by 9/30 of the year following the enforcement period.

**Estimated Annual Burden:** 148 responses; 8 hours average burden per response; 1,168 hours total annual burden.

**Needs and Uses:** Filing of FCC Form 492 is required by §§ 1.795 and 65.600 of the FCC Rules and section 219 of the Communications Act of 1934, as amended. Filing of the FCC 492 on a quarterly basis is required from each local exchange carrier or group of affiliated carriers which is not subject to §§ 61.41 through 61.49 of the Commission's Rules and which has filed individual access tariffs during the enforcement period. Final adjustments to the enforcement period must be made by 9/30 of the year following the enforcement period to ensure that any refunds can be properly reflected in an annual access filing. Each local exchange carrier or group of affiliated carriers subject to the previously stated sections shall file the report with the Commission for the calendar year. These respondents must file, within fifteen months after the end of each



calendar year, a report reflecting any corrections or modifications to the initial filing. A copy of each report must be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection. The Commission does not specify a retention period. The FCC 492 is necessary to enable the Commission to monitor the access tariffs and to enforce maximum rate of return prescriptions and price cap earnings levels. The data is used by FCC staff for enforcement purposes and by the public in analyzing the industry. The reports are also used by the FCC Staff in the tariff review process and provide both the Commission and the carriers with an early warning system if rate adjustments are necessary to correct significant targeting errors.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-10413 Filed 5-4-92; 8:45 am]

BILLING CODE 6712-01-M

#### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 29, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC, 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0064.

Title: Application for Station Authorization in the Private Operational Fixed Microwave Radio Service.

Form Number: FCC Form 402.

Action: Revision of a currently approved collection.

Respondents: Individuals or households, state or local governments, nonprofit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 7,619 responses; 6.166 hours average burden

per response; 46,978 hours total annual burden.

**Needs and Uses:** FCC rules require that applicants file the FCC 402 to apply for a new station authorization for private operational fixed microwave station, a new station authorization to operate one or more fixed stations at locations in this service, or modification or renewal of station authorization. Revision of the FCC Form 402 is necessary to modify fee collection data. Because the fee code and fee amount for authorizations requested on this form is always the same, the Commission agrees with petitioners that we can dispense with the FCC Form 155, Fee Processing Form requirement. The FCC staff will use the data to determine eligibility for a radio station authorization, and to issue a radio station license. Data is also used by Compliance personnel in conjunction with Field Engineers for enforcement and interference resolution purposes.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-10414 Filed 5-4-92; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL RESERVE SYSTEM

##### South Central Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications

must be received not later than May 29, 1992.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *South Central Bancshares, Inc.*, Russellville, Kentucky; to merge with First Midwest Bancshares, Inc., Princeton, Kentucky, and thereby indirectly acquire First Bank and Trust Company, Princeton, Kentucky.

**B. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Community Bank Group, Inc.*, Eden Prairie, Minnesota; to acquire 88.62 percent of the voting shares of Klossner State Bank, Klossner, Minnesota.

**C. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Dickinson Financial Corporation*, Kansas City, Missouri; to acquire 100 percent of the voting shares of Atchison County Investment Company, Rock Port, Missouri, and thereby indirectly acquire Bank of Atchison County, Rock Port, Missouri.

Board of Governors of the Federal Reserve System, April 29, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-10393 Filed 5-4-92; 8:45 am]

BILLING CODE 6210-01-F

##### Community Trust Financial Services Corporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the



proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 29, 1992.

**A. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Community Trust Financial Services Corporation*, Hiram, Georgia; to engage *de novo* through its subsidiary, *Metroplex Appraisals, Inc.*, Hiram, Georgia, in real estate and personal property appraising, pursuant to § 225.25(b)(13) of the Board's Regulation Y.

**B. Federal Reserve Bank of San Francisco** (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *Home Credit Corporation*, Salt Lake City, Utah; to engage *de novo* in the following: data processing and transmission services, pursuant to § 225.25(b)(7) of the Board's Regulation Y; acting as agent in the sale of all types of insurance except life insurance and annuities, pursuant to § 225.25(b)(8)(vi) of the Board's Regulation Y; and tax planning and preparation services, pursuant to § 225.25(b)(21) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 29, 1992.

Jennifer J. Johnson,  
*Associate Secretary of the Board.*

[FR Doc. 92-10394 Filed 5-4-92; 8:45 am]

BILLING CODE 6210-01-F

#### **James W. Collins, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12

CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 26, 1992.

**A. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *James W. Collins*, McAllen, Texas; to acquire an additional 36.88 percent, for a total of 47.86 percent, of the voting shares of *First McAllen Inter National Bancshares, Inc.*, McAllen, Texas, and thereby indirectly acquire *Inter National Bank*, McAllen, Texas.

**B. Federal Reserve Bank of San Francisco** (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *Capital Bancorp Employee Stock Ownership Plan*, Downey, California; to retain 23.9 percent of the voting shares of *Capital Bancorp*, Downey, California, and thereby indirectly acquire *Capital Bank*, Downey, California.

Board of Governors of the Federal Reserve System, April 29, 1992.

Jennifer J. Johnson,  
*Associate Secretary of the Board.*

[FR Doc. 92-10395 Filed 5-4-92; 8:45 am]

BILLING CODE 6210-01-F

#### **Brooke Holdings, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities**

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 29, 1992.

**A. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Brooke Holdings, Inc.*, Jewell, Kansas; to acquire, through its subsidiary, *Gypsum Valley Agency*, certain assets of *Ross Olson and Associates, Inc.*, Concordia, Kansas, and thereby engage in the sale of general insurance, except life insurance and annuities, by a bank holding company with total assets of less than \$50 million, pursuant to § 225.25(b)(8)(vi) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 29, 1992.

Jennifer J. Johnson,  
*Associate Secretary of the Board.*

[FR Doc. 92-10396 Filed 5-4-92; 8:45 am]

BILLING CODE 6210-01-F

#### **GENERAL SERVICES ADMINISTRATION**

##### **Intent to Prepare an Environmental Impact Statement for the Proposed Construction of a New Federal Building-U.S. Courthouse in Hammond, IN**

The General Services Administration (GSA) is preparing an Environmental Impact Statement (EIS) for the proposed construction of a new 160,000-occupiable square foot (osf) Federal Building-U.S. Courthouse in Hammond, Indiana. The site upon which the building is to be constructed will be six



to twelve acres in size, but a specific site has not yet been identified. The facility will include 12,500 sq ft of indoor parking and will have approximately 450 employee and visitor surface parking spaces outside of the building.

This EIS will evaluate potential environmental and socioeconomic impact resulting from various project alternatives, including the proposed action, the reasonable alternatives (for example, annexation, postponement, and alteration of the existing building), and the no-action alternative, as well as reasonable alternatives outside of GSA's jurisdiction. Any alternative eliminated from detailed study early on in the EIS process will be described in the EIS along with the reasons for its (their) elimination. Additional alternatives brought to GSA's attention through the public scoping process will be reviewed by GSA to determine the level of analysis appropriate to these alternatives.

The EIS will focus on potential environmental impacts of the proposed action and the alternatives to the proposed action on physical, biological, and ecological entities; and social, economic, cultural, psychological, historical, archaeological, aesthetic, and health-related resources. The EIS will discuss cumulative, direct, and indirect impacts of the different alternatives on the environment and the mitigation measures that are necessary where different alternatives have an impact on the environment.

A public scoping meeting is scheduled to provide members of the public the opportunity to identify significant environmental issues that are relevant to the proposed action and all other alternatives. This scoping meeting will be held: Wednesday, May 6 from 6 to 9 p.m. at the American Inn, 4000 Calumet Avenue, Hammond, Indiana 46320.

The meeting will have an open format, where attendees will be able to view exhibits regarding the proposed project and EIS process, ask questions on matters relating to the environment, and make comments into a written record. At the scoping meeting sheets on which attendees can write their comments will be distributed.

For further information, please contact: Barbara Reed, Planning Staff—5PL, General Services Administration, 230 South Dearborn Street, room 3670, Chicago, Illinois 60604, (312) 353-8104.

Dated: April 28, 1992.

Donald L. Zito,

General Services Administration, Region 5.  
[FR Doc. 92-10465 Filed 5-4-92; 8:45 am]

BILLING CODE 6820-34-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### President's Committee on Mental Retardation; Meeting

*Agency Holding the Meeting:* President's Committee on Mental Retardation.

*Time and Dates:* Executive Committee Meeting, Monday, June 29, 1992, 8 a.m.-9 a.m.; Full Committee Meeting, June 29-30, 1992, 9:30 a.m.-5 p.m.

*Place:* Ritz-Carlton Hotel, 1250 South Hayes Street, Arlington, Virginia 22202.

*Status:* Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

*Matters to be Considered:* Reports by members of the Executive Committee of the President's Committee on Mental Retardation (PCMR) will be given. The Committee plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

*The PCMR:* (1) Acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons with mental retardation; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect persons with mental retardation.

*Contact person for more information:* Sambhu N. Banik, Ph.D., Wilbur J. Cohen Building, room 5325, 330 Independence Avenue, SW., Washington, DC 20201-0001, (202) 619-0634.

Dated: April 8, 1992.

Sambhu N. Banik,

Executive Director, PCMR.

[FR Doc. 92-10365 Filed 5-4-92; 8:45 am]

BILLING CODE 4130-01-M

### Alcohol, Drug Abuse, and Mental Health Administration

#### Current List of Laboratories Which Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies and Laboratories That Have Withdrawn From the Program

**AGENCY:** National Institute on Drug Abuse, ADAMHA, HHS.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services notifies Federal

agencies of the laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be identified as such at the end of the current list of certified laboratories, and will be omitted from the monthly listing thereafter.

#### FOR FURTHER INFORMATION CONTACT:

Denise L. Goss, Program Assistant, Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857; tel.: (301) 443-6014.

#### SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, onsite inspections. Laboratories which claim to be in the applicant stage of NIDA certification are not to be considered as meeting the minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

AccuTox Analytical Laboratories, 427 Fifth Avenue, N.W., P.O. Box 770, Attalla, AL 35954-0770, 205-538-0012/800-247-3893.



- Aegis Analytical Laboratories, Inc., 624 Grassmere Park Road, Suite 21, Nashville, TN 37211, 615-331-5300.
- Alabama Reference Laboratories, Inc., 543 South Hull Street, Montgomery, AL 36103, 800-541-4931/205-263-5745.
- Alletess Medical Laboratory, Inc., 529 Beacon Parkway West #102, Birmingham, AL 35209 800-221-0335.
- Allied Clinical Laboratories, 201 Plaza Boulevard, Hurst, TX 76053, 817-282-2257.
- American Medical Laboratories, Inc., 11091 Main Street, P.O. Box 188, Fairfax, VA 22030, 703-691-9100.
- Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, Suite 250, Las Vegas, NV 89119-5412, 702-733-786.
- Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801-583-2787.
- Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414-355-4444/800-877-7016.
- Bellin Hospital-Toxicology Laboratory, 2789 Allied Street, Green Bay, WI 54304, 414-496-2487.
- Bioran Medical Laboratory, 415 Massachusetts Avenue, Cambridge, MA 02139, 617-547-8900.
- California Toxicology Services, 1925 East Dakota Avenue, Suite 206, Fresno, CA 93726, 209-221-5655/800-448-7600.
- Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305-325-5810.
- Center for Human Toxicology, 417 Wakara Way, Room 290, University Research Park, Salt Lake City, UT 84108, 801-581-5117.
- Clinical Pathology Facility, Inc., 711 Bingham Street, Pittsburgh, PA 15203, 412-488-7500.
- Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800-445-6917.
- CompuChem Laboratories, Inc., 3308 Chapel Hill/Nelson Hwy., P.O. Box 12652, Research Triangle Park, NC 27709, 919-549-8283/800-833-3984.
- Continental Bio-Clinical Laboratory Service, Inc., A MetPath Laboratory, 2740 28th Street, S.W., Grand Rapids, MI 49509, 800-777-0706/616-538-6700.
- Cox Medical Centers, Department of Toxicology, 1423 North Jefferson Avenue, Springfield, MO 65802, 800-876-3652/417-836-3093.
- Damon Clinical Laboratories, 140 East Ryan Road, Oak Creek, WI 53154, 800-638-1100, name changed: formerly Chem-Bio Corporation; CBC Clinilab).
- Damon Clinical Laboratories, 8300 Esters Blvd., Suite 900, Irving, TX 75063, 214-929-0535.
- Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904-787-9006.
- Drug Labs of Texas, 15201 I-10 East, Suite 125, Channelview, TX 77530, 713-457-3784.
- DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310.
- Eagle Forensic Laboratory, Inc., 950 North Federal Highway, Suite 308, Pompano Beach, FL 33062, 305-946-4324.
- Eastern Laboratories, Ltd., 95 Seaview Boulevard, Port Washington, NY 11050, 516-625-9800.
- ElSohly Laboratories, Inc., 1215-1/2 Jackson Ave., Oxford, MS 38655, 601-236-2609.
- Employee Health Assurance Group, 405 Alderson Street, Schofield, WI 54476, 800-627-8200, (name change: formerly Alpha Medical Laboratory, Inc.).
- General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608-267-6267.
- Harris Medical Laboratory, 7606 Pebble Drive, Fort Worth, TX 76118, 817-595-0294.
- HealthCare/Preferred Laboratories, 24451 Telegraph Road, Southfield, MI 48034, 800-328-4142 (inside MI)/800-225-9414 (outside MI).
- Laboratory of Pathology of Seattle, Inc., 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206-386-2672.
- Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504-392-7961.
- Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 800-533-1710/507-284-3631.
- Med-Chek Laboratories, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, 412-931-7200.
- MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901-795-1515.
- MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 9176 Independence Avenue, Chatsworth, CA 91311, 818-718-0115/800-331-8670 (outside CA)/800-464-7081 (inside CA), (name changed: formerly Laboratory Specialists, Inc., Abused Drug Laboratories).
- MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 2356 North Lincoln Avenue, Chicago, IL 60614, 312-880-6900, (name changed: formerly Bio-Analytical Technologies).
- MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 612-636-7466/800-832-3244.
- Methodist Hospital of Indiana, Inc., Department of Pathology and Laboratory Medicine, 1701 North Senate Boulevard, Indianapolis, IN 46202, 317-929-3587.
- Methodist Medical Center Toxicology Laboratory, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 800-752-1835/309-671-5199.
- MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708-595-3888.
- MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201-393-5000.
- MetWest-BPL Toxicology Laboratory, 18700 Oxnard Street, Tarzana, CA 91356, 800-492-0800/818-343-8191.
- National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 410-536-1485, (name changed: formerly Maryland Medical Laboratory, Inc.).
- National Drug Assessment Corporation, 5419 South Western, Oklahoma City, OK 73109, 800-749-3784, (name changed: formerly Med Arts Lab).
- National Health Laboratories Incorporated, 13900 Park Center Road, Herndon, VA 22071, 703-742-3100/800-572-3734 (inside VA)/800-336-0391 (outside VA).
- National Health Laboratories Incorporated, d.b.a. National Reference Laboratory, Substance Abuse Division, 1400 Donelson Pike, Suite A-15, Nashville, TN 37217, 615-360-3992/800-800-4522.
- National Health Laboratories Incorporated, 2540 Empire Drive, Winston-Salem, NC 27103-6710, 919-760-4620/800-334-8627 (outside NC)/800-642-0894 (inside NC).
- National Psychopharmacology Laboratory, Inc., 9320 Park W. Boulevard, Knoxville, TN 37923, 800-251-9492.
- National Toxicology Laboratories, Inc., 1100 California Avenue, Bakersfield, CA 93304, 805-322-4250.
- Nichols Institute Substance Abuse Testing (NISAT), 8985 Balboa Avenue, San Diego, CA 92123, 800-446-4728/619-694-5050, (name changed: formerly Nichols Institute).
- Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800-322-3361.
- Occupational Toxicology Laboratories, Inc., 2002 20th Street, Suite 204A, Kenner, LA 70062, 504-465-0751.
- Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Avenue, Eugene, OR 97440-0972, 503-687-2134.
- Parke DeWatt Laboratories, Division of Comprehensive Medical Systems, Inc., 1810 Frontage Rd., Northbrook, IL 60062, 708-480-4680.
- Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509-926-2400.
- PDLA, Inc. (Precision), 5 Industrial Park Drive, Oxford, MS 38655, 601-236-5600/800-237-7352.



PDLA, Inc. (Princeton), 100 Corporate Court, So. Plainfield, NJ 07080, 908-769-8500/800-237-7352.

PharmChem Laboratories, Inc., 1505-A O'Brien Drive, Menlo Park, CA 94025, 415-328-6200/800-446-5177.

Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619-279-2600.

Precision Analytical Laboratories, Inc., 13300 Blanco Road, Suite #150, San Antonio, TX 78216, 512-493-3211.

Puckett Laboratory, 4200 Mamie Street, Hattiesburgh, MS 39402, 601-264-3856/800-844-8378.

Regional Toxicology Services, 15305 N.E. 40th Street, Redmond, WA 98052, 206-882-3400.

Resource One, Inc., Seven Pointe Circle, Greenville, SC 29615, 803-233-5639.

Roche Biomedical Laboratories, 1801 First Avenue South, Birmingham, AL 35233, 205-581-4170.

Roche Biomedical Laboratories, 1957 Lakeside Parkway, Suite 542, Tucker, GA 30084, 404-939-4811.

Roche Biomedical Laboratories, Inc., 1912 Alexander Drive, P.O. Box 13973, Research Triangle Park, NC 27709, 919-361-7770.

Roche Biomedical Laboratories, Inc., 69 First Avenue, Raritan, NJ 08869, 800-437-4986.

Roche Biomedical Laboratories, Inc., 1120 Stateline Road, Southaven, MS 38671, 601-342-1286.

Scott & White Drug Testing Laboratory, 600 South 25th Street, Temple, TX 76504, 800-749-3788.

S.E.D. Medical Laboratories, 500 Walter NE., Suite 500, Albuquerque, NM 87102, 505-848-8800.

Sierra Nevada Laboratories, Inc., 888 Willow Street, Reno, NV 89502, 800-648-5472.

SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91045, 818-376-2520.

SmithKline Beecham Clinical Laboratories, 3175 Presidential Drive, Atlanta, GA 30340, 404-934-9205, (name changed: formerly SmithKline Bio-Science Laboratories).

SmithKline Beecham Clinical Laboratories, 506 E. State Parkway, Schaumburg, IL 60173, 708-885-2010, (name changed: formerly International Toxicology Laboratories).

SmithKline Beecham Clinical Laboratories, 11636 Administration Drive, St. Louis, MO 63146, 314-567-3905.

SmithKline Beecham Clinical Laboratories, 400 Egypt Road, Norristown, PA 19403, 800-523-5447, (name changed: formerly SmithKline Bio-Science Laboratories).

SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row,

Dallas, TX 75247, 214-638-1301, (name changed: formerly SmithKline Bio-Science Laboratories).

South Bend Medical Foundation, Inc., 530 North Lafayette Boulevard, South Bend, IN 46601, 219-234-4176.

Southgate Medical Services, Inc., 21100 Southgate Park Boulevard, Cleveland, OH 44137-3054, 800-338-0166 (outside OH)/800-362-8913 (inside OH), (name changed: formerly Southgate Medical Laboratory).

St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 North Lee Street, Oklahoma City, OK 73102, 405-272-7052.

St. Louis University Forensic Toxicology Laboratory, 1205 Carr Lane, St. Louis, MO 63104, 314-577-8628.

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 314-882-1273.

Toxicology Testing Service, Inc., 5426 N.W. 79th Avenue, Miami, FL 33166, 305-593-2260.

The following laboratory withdrew from the National Laboratory, Certification Program during April: Columbia Biomedical Laboratory, Inc., 4700 Forest Drive, Suite 200, Columbia, SC 29206, 800-848-4245/803-782-2700.

Richard A. Millstein,  
Acting Director, National Institute on Drug Abuse,

[FR Doc. 92-10550 Filed 5-4-92; 8:45 am]

BILLING CODE 4160-20-M

### National Institute of Mental Health; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the advisory committees of the National Institute of Mental Health for June 1992.

The initial review groups and the National Advisory Mental Health Council will be performing review of applications for Federal assistance; therefore, portions of these meetings will be closed to the public as determined by the Acting Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Joanna L. Kieffer, NIMH Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 9-105, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301-443-4333).

Substantive program information may be obtained from the contacts whose names, room numbers, and telephone numbers are listed below.

*Committee Name:* National Advisory Mental Health Council

*Meeting Date:* June 1-2, 1992

*Place:*

June 1—Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

June 2—Conf. Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892

*Open:* June 2, 9—Adjournment

*Closed:* Otherwise

*Contact:* Carolyn Strete, Ph.D., Room 9-105, Parklawn Building, Telephone (301) 443-3367

*Committee Name:* Psychobiology and Behavior Review Committee

*Meeting Date:* June 3-4, 1992

*Place:* Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815

*Open:* June 3, 9-10 a.m.

*Closed:* Otherwise

*Contact:* Linda Keperling, room 9C-18, Parklawn Building, Telephone (301) 443-3944

*Committee Name:* Health Behavior and Prevention Review Committee

*Meeting Date:* June 3-5, 1992

*Place:* Embassy Suites Hotel, 4300 Military Road, NW., Washington, DC 20015

*Open:* June 3, 9-10 a.m.

*Closed:* Otherwise

*Contact:* Monica F. Woodfork, room 9C-05, Parklawn Building, Telephone (301) 443-4843

*Committee Name:* Clinical

Psychopathology Review Committee

*Meeting Date:* June 3-5, 1992

*Place:* Embassy Suites Hotel, 4300 Military Road, NW., Washington, DC 20015

*Open:* June 3, 10-11 a.m.

*Closed:* Otherwise

*Contact:* Tammye M. Cross, room 9C-08, Parklawn Building, Telephone (301) 443-1340

*Committee Name:* Cognitive Functional Neuroscience Review Committee

*Meeting Date:* June 3-5, 1992

*Place:* Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815

*Open:* June 3, 8:30-9:30 a.m.

*Closed:* Otherwise

*Contact:* Rodney A. Berry, room 9C-18, Parklawn Building, Telephone (301) 443-3936

*Committee Name:* Epidemiology Review Committee

*Meeting Date:* June 3-5, 1992

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814

*Open:* June 3, 9-10 a.m.

*Closed:* Otherwise



**Contact:** Doris Lee-Robb, room 9C-14, Parklawn Building, Telephone (301) 443-1367

**Committee Name:** Mental disorders of Aging Review Committee

**Meeting Date:** June 3-5, 1992

**Place:** Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008

**Open:** June 3, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Phyllis L. Zusman, room 9C-14, Parklawn Building, Telephone (301) 443-1367

**Committee Name:** Behavioral Neuroscience Review Committee

**Meeting Date:** June 4-5, 1992

**Place:** Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815

**Open:** June 4, 8-9 a.m.

**Closed:** Otherwise

**Contact:** William H. Radcliffe, room 9C-18 Parklawn Building, Telephone (301) 443-3857

**Committee Name:** Neuropharmacology and Neurochemistry Review Committee

**Meeting Date:** June 4-5, 1992

**Place:** Omni Georgetown Hotel, 2121 P Street, NW., Washington, DC 20037

**Open:** June 4, 8:30-9 a.m.

**Closed:** Otherwise

**Contact:** Wm. Gregory Zimmerman, room 9C-18, Parklawn Building, Telephone (301) 443-3936

**Committee Name:** Perception and Cognition Review Committee

**Meeting Date:** June 4-6, 1992

**Place:** Holiday Inn—Governors House 17th Street & Rhode Island Avenue, NW. Washington, DC 20036

**Open:** June 4, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Debra D. Woods, room 9C-23, Parklawn Building, Telephone (301) 443-1177

**Committee Name:** Social and Group Processes Review Committee

**Meeting Date:** June 4-6, 1992

**Place:** Residence Inn 7335 Wisconsin Avenue Bethesda, MD 20814

**Open:** June 4, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Bernice R. Cherry, room 9C-15, Parklawn Building, Telephone (301) 443-6470

**Committee Name:** Biological Psychopathology Review Committee

**Meeting Date:** June 8-9, 1992

**Place:** Washington Marriott Hotel 1221 22nd Street, NW., Washington, DC 20037

**Open:** June 8, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Helen D. Craig, room 9C-18, Parklawn Building, Telephone (301) 443-3857

**Committee Name:** Treatment

**Assessment Review Committee**

**Meeting Date:** June 8-9, 1992

**Place:** Embassy Suites Hotel, 4300 Military Road, Washington, DC 20015

**Open:** June 8, 8:30-9:30 a.m.

**Closed:** Otherwise

**Contact:** Barbara W. Campbell, room 9C-02, Parklawn Building, Telephone (301) 443-4868

**Committee Name:** Child/Adolescent Risk and Prevention Review Committee

**Meeting Date:** June 11-13, 1992

**Place:** Omni Georgetown Hotel, 2121 P Street, NW., Washington, DC 20037

**Open:** June 11, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Michele D. Campbell, room 9C-23, Parklawn Building, Telephone (301) 443-1177

**Committee Name:** Clinical Neuroscience Review Committee

**Meeting Date:** June 15-17, 1992

**Place:** The Hampshire Hotel, 1310 New Hampshire Avenue, NW., Washington, DC 20036

**Open:** June 15, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Maurine L. Eister, room 9C-18, Parklawn Building, Telephone (301) 443-3936

**Committee Name:** Violence and Traumatic Stress Review Committee

**Meeting Date:** June 17-19, 1992

**Place:** Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814

**Open:** June 17, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Phyllis D. Artis, room 9C-15, Parklawn Building, Telephone (301) 443-6470

**Committee Name:** Behavioral, Clinical, and Psychosocial Subcommittee of the Mental Health AIDS and Immunology Review Committee

**Meeting Date:** June 22-23, 1992

**Place:** Washington Marriott Hotel, 1221 22nd Street, NW., Washington, DC 20037

**Open:** June 22, 8:30-9 a.m.

**Closed:** Otherwise

**Contact:** Regina M. Thomas, room 9C-15, Parklawn Building, Telephone (301) 443-6470

**Committee Name:** Psychobiological, Biological, and Neuroscience Subcommittee of the Mental Health AIDS and Immunology Review Committee

**Meeting Date:** June 22-23, 1992

**Place:** Washington Marriott Hotel, 1221 22nd Street, NW., Washington, DC 20037

**Open:** June 22, 8:30-9:30 a.m.

**Closed:** Otherwise

**Contact:** Rehana A. Chowdhury, room 9C-15, Parklawn Building, Telephone (301) 443-6470

**Committee Name:** Molecular, Cellular, and Developmental Neurobiology Review Committee

**Meeting Date:** June 22-24, 1992

**Place:** Chevy Chase Holiday Inn, 5420 Wisconsin Avenue, Chevy Chase, MD 20815

**Open:** June 22, 9-10 a.m.

**Closed:** Otherwise

**Contact:** Shirley H. Maltz, room 9C-18, Parklawn Building, Telephone (301) 443-3857

**Dated:** April 28, 1992.

**Peggy W. Cockrill,**

*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 92-10398 Filed 5-4-92; 8:45 am]

BILLING CODE 4160-20-M

### National Institute on Drug Abuse; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the advisory committee of the National Institute on Drug Abuse for June 1992.

The Board of Scientific Counselors will review, discuss, and evaluate intermural research programs and projects and productivity and performance of individual staff scientists, and the initial review groups will be performing review of applications for Federal assistance; therefore, portions of this meeting will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

The Drug Testing Advisory Board will be performing reviews of National Laboratory Certification Program inspections and operations; therefore, portions of these meetings will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c) (2), (4), and (6) and 5 U.S.C. app. 2 10(d).

The Extramural Science Advisory Board will discuss NIDA's planning process and extramural science programs. This meeting will be open; however, attendance by the public will be limited to space available.

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Camilla L. Holland, NIDA Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 10-42, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301/443-2755).



Substantive program information may be obtained from the contacts whose names, room numbers, and telephone numbers are listed below.

**Committee Name:** Board of Scientific Counselors, NIDA

**Meeting Date:** June 1-2, 1992

**Place:** Addiction Research Center, 2nd Floor Conference Room, 4940 Eastern Avenue, Baltimore, Maryland 21224

**Open:** June 1, 9 a.m. to 9:45 a.m.

**Closed:** Otherwise

**Contact:** Brian Butters, Addiction Research Center, P.O. Box 5180, Baltimore, MD, Telephone (410) 550-1538

**Committee Name:** Drug Testing Advisory Board, NIDA

**Meeting Date:** June 11, 1992

**Place:** Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852

**Open:** 9 a.m. to 12 p.m.

**Closed:** Otherwise

**Contact:** Donna M. Bush, Ph.D., room 9A-53, Parklawn Building, Telephone (301) 443-6014

**Committee Name:** Extramural Science Advisory Board, NIDA

**Meeting Date:** June 15-16, 1992

**Place:** Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814

**Open:** June 15-16, 9 a.m. to 5 p.m.

**Contact:** Jacqueline P. Downing, room 10A-55, Parklawn Building, Telephone (301) 433-1056

**Committee Name:** Biochemistry Research Subcommittee, Drug Abuse Biomedical Research Review Committee

**Meeting Date:** June 15-17, 1992

**Place:** Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814

**Open:** June 15, 9 a.m. to 9:30 a.m.

**Closed:** Otherwise

**Contact:** Rita Liu, Ph.D., room 10-42, Parklawn Building, Telephone (301) 443-2620

**Committee Name:** Pharmacology II Research Subcommittee, Drug Abuse Biomedical Research Review Committee

**Meeting Date:** June 15-17, 1992

**Place:** Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814

**Open:** June 15, 9 a.m. to 9:30 a.m.

**Closed:** Otherwise

**Contact:** Gamil Debbas, Ph.D., room 10-42, Parklawn Building, Telephone (301) 443-2620.

**Committee Name:** Pharmacology I Research Subcommittee, Drug Abuse Biomedical Research Review Committee

**Meeting Date:** June 15-18, 1992

**Place:** Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814

**Open:** June 15, 9 a.m. to 9:30 a.m.

**Closed:** Otherwise

**Contact:** Syed Husain, Ph.D., room 10-42, Parklawn Building, Telephone (301) 443-2620

**Committee Name:** Drug Abuse Clinical and Behavioral Research Review Committee

**Meeting Date:** June 15-18, 1992

**Place:** Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814

**Open:** June 15, 9 a.m. to 9:30 a.m.

**Closed:** Otherwise

**Contact:** Daniel L. Mintz, room 10-22, Parklawn Building, Telephone (301) 443-9042

**Committee Name:** Drug Abuse Epidemiology and Prevention Research Review Committee

**Meeting Date:** June 18-19, 1992

**Place:** Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814

**Open:** June 18, 9 a.m. to 9:30 a.m.

**Closed:** Otherwise

**Contact:** Raquel Crider, Ph.D., room 10-22, Parklawn Building, Telephone (301) 443-9042

**Dated:** April 28, 1992.

**Peggy W. Cockrill,**

*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 92-10399 Filed 5-4-92; 8:45 am]

**BILLING CODE 4160-20-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZ-040-02-4333-02]

### Gila Box Advisory Committee; Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given in accordance with 43 CFR 1780 that five meetings of the Gila Box Riparian National Conservation Area (NCA) Advisory Committee will be held.

#### DATES:

May 26, 1992, 10 a.m.-4:30 p.m. Safford District Office

June 5, 1992, 10 a.m.-4:30 p.m. Safford District Office

July 23, 1992, 10 a.m.-4:30 p.m. Safford District Office

July 9, 1992, 10 a.m.-4:30 p.m. Arizona State Office

July 24, 1992, 10 a.m.-4:30 p.m. Safford District Office

**ADDRESSES:** BLM Safford District Office, 425 E. 4th St., Safford, Arizona, Arizona State Office, 2nd Floor Conference Room 2707 N. 7th St., Phoenix, Arizona.

**SUPPLEMENTARY INFORMATION:** The NCA Advisory Committee was established by the Arizona Desert Wilderness Act of 1990 to provide input to the Safford District on management of the Gila Box Riparian National Conservation Area (NCA). The Committee is continuing work on the Gila Box Interdisciplinary Activity Plan, which must be completed by November 28, 1992. The plan is being written using the Limits of Acceptable Change (LAC) planning process.

The agenda for each meeting includes:

(1) A subcommittee report on indicators and standards at the May 26 meeting

(2) Continued work on mapping opportunity classes for each alternative and a Town Hall meeting with Congressman Jim Kolbe to discuss access in the Gila Box on June 5;

(3) Identification of management actions for each alternative and consideration on Wild and Scenic River suitability at the June 23 meeting;

(4) Evaluation and selection of the preferred alternative at the July 9 meeting; and

(5) Development of the interdisciplinary monitoring plan for the preferred alternative at the July 24 meeting.

All meetings are open to the public. Interested persons may make oral statements to the Committee between 10:30 and 11 a.m., or may file written statements for consideration by the Committee. Anyone wishing to make an oral statement must contact the BLM Gila Resource Area Manager at least two working days prior to the meeting. Written statements are also accepted at any time during preparation of the draft plan, and will be reviewed by the committee. Statements should be mailed to Jonathan Collins, Team Leader, Gila Resource Area, 425 E. 4th St., Safford, Arizona 85546.

Summary minutes of the meeting will be maintained in the Safford District Office and will be available for public inspection (during regular business hours) within 30 days after each meeting.

#### FOR FURTHER INFORMATION CONTACT:

Meg Jensen, Gila Resource Area Manager, or Jonathan Collins, Team Leader, 425 E. 4th St., Safford, Arizona 85546, Telephone (602) 428-4040.



Dated: April 23, 1992.

Ray A. Brady,

District Manager.

[FR Doc. 92-10412 Filed 5-4-92; 8:45 am]

BILLING CODE 4310-32-M

## Minerals Management Service

### Availability of the Proposed Final Comprehensive Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program for 1992-1997

**AGENCY:** Minerals Management Service (MMS), Department of the Interior.

**SUMMARY:** The MMS has issued a Proposed Final Comprehensive OCS Natural Gas and Oil Resource Management Program for 1992-1997. This is the last of three program proposals required to be prepared before approval of a new 5-year OCS program in accordance with the OCS Lands Act, as amended. Sixty days after issuance of the Proposed Final Program, the new program may be approved to succeed the current one, which covers the period July 1987 through June 1992. The 5-year OCS program provides a means for the Federal Government, affected States and localities, industry, and other interested parties to plan, consult, and coordinate on OCS activities.

A final Environmental Impact Statement (EIS) prepared in accordance with section 102(2)(C) of the National Environmental Policy Act is being issued along with the Proposed Final Program. A separate notice concerning its availability has been submitted for publication in the *Federal Register*.

**ADDRESSES:** Proposed Final Program and final EIS information and documents can be obtained from the following: Regional Director, Atlantic Region, Minerals Management Service, 381 Elden Street, Suite 1109, Herndon, Virginia, 22070-4817, telephone (703) 787-1113; Regional Director, Gulf of Mexico Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, telephone (504) 736-0557; Regional Director, Pacific Region, Minerals Management Service, 770 Paseo Camarillo, Camarillo, California 93010, telephone (805) 389-7502; Regional Director, Alaska Region, Minerals Management Service, 949 East 36th Avenue, Anchorage, Alaska 99508-4302, telephone (907) 271-6010.

Proposed Final Program information and documents also can be obtained from: Chief, Branch of Program Development and Planning, Minerals Management Service (Mail Stop 4430),

1849 C Street, N.W., Washington, D.C. 20240, telephone (202) 208-3072.

Final EIS information and documents also can be obtained from: Chief, Environmental Projects Coordination Branch, Minerals Management Service (Mail Stop 4320), 381 Elden Street, Herndon, Virginia 22070-4817, telephone (703) 787-1674.

### CONTACT FOR FURTHER INFORMATION:

For information on the development of the comprehensive program for 1992-1997, telephone Paul Stang or Tim Redding, Branch of Program Development and Planning, at (202) 208-3072.

Dated: April 30, 1992.

Scott Sewell,

Director, Minerals Management Service.

[FR Doc. 92-10508 Filed 5-4-92; 8:45 am]

BILLING CODE 4310-MR

## National Park Service

### National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 25, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by May 20, 1992.

Carol D. Shull,

Chief of Registration, National Register.

## LOUISIANA

### Ascension Parish

*Helvetia Dependency (Louisiana's French Creole Architecture MPS)*, LA 942, Darrow vicinity, 92000570

*Palo Alto Dependency (Louisiana's French Creole Architecture MPS)*, LA 944, Donaldsonville vicinity, 92000579

### Natchitoches Parish

*Caspiana Plantation Store*, 1300 Texas St., Natchitoches, 92000583

## MARYLAND

### Somerset County

*Arlington*, MD 361, Westover vicinity, 92000588

## MASSACHUSETTS

### Franklin County

*Hendell Town Common Historic District*, Jct. of Depot, Lock's Village, Montague and Morse Village Rds., Wendell, 92000580

## MICHIGAN

### Oakland County

*Torrey, Charles, House*, 1141 Foxwood Ct., Bloomfield Township, Birmingham vicinity, 92000585

## MINNESOTA

### Itasca County

*Scenic State Park CCC/Rustic Style Service Yard (Minnesota State Park CCC/WPA/Rustic Style MPS)*, Off Co. Hwy. 7, Scenic State Park, Bigfork vicinity, 92000595  
*Scenic State Park CCC/Rustic Style Historic District (Minnesota State Park CCC/WPA/Rustic Style MPS)*, Off Co. Hwy. 7, Scenic State Park, Bigfork vicinity, 92000596

## MISSOURI

### Buchanan County

*Virginia Flats (St. Joseph MPS)*, 516-518 and 520-528 N. 10th St., St. Joseph, 92000586

### Jackson County

*Bryant, Dr. John S. Jr. and Harriet Smart, House*, 519 S. Main St., Independence, 92000582

## MONTANA

### Cascade County

*Burlingame School (Korpivaara MPS)*, Address Restricted, Belt vicinity, 92000575  
*Crocker-Jarvi Homestead (Korpivaara MPS)*, Address Restricted, Belt vicinity, 92000572

*Heikkila-Mattila Homestead (Korpivaara MPS)*, Address Restricted, Belt vicinity, 92000573

*Kraftenberg Homestead (Korpivaara MPS)*, Address Restricted, Belt vicinity, 92000574  
*Lewis-Nevala Homestead (Korpivaara MPS)*, Address Restricted, Belt vicinity, 92000576

*Stone Homestead (Korpivaara MPS)*, Address Restricted, Belt vicinity, 92000577  
*Wargelin-Warila Homestead (Korpivaara MPS)*, Address Restricted, Belt vicinity, 92000578

## NORTH DAKOTA

### Morton County

*Dunlap, Stuart, House*, 201 7th Ave., Mandan, 92000587

## TEXAS

### Potter County

*Wolfin Historic District*, Roughly bounded by Wolfin Ave., Washington St., SW. 34th Ave., Parker St., SW. 30th Ave. and Lipscomb St., Amarillo, 92000581

### Randall County

*Llano Cemetery Historic District*, 2900 South Hayes, Amarillo, 92000584

## WISCONSIN

### Ashland County

*NOQUEBAY (Schooner-Barge) Shipwreck Site (Great Lakes Shipwrecks of Wisconsin MPS)*, Address Restricted, La Pointe, 92000593



**Bayfield County**

OTTAWA (Tug) Shipwreck Site (Great Lakes Shipwreck Sites of Wisconsin MPS), Address Restricted, Russell, 92000594

**Fond du Lac County**

Raube Road Site, Address Restricted, Springvale, 92000589

**Iowa County**

DNR No. 5 Archeological Site (Wisconsin Indian Rock Art Sites MPS), Address Restricted, Brigham, 92000592  
Shiprock Rockshelter (Wisconsin Indian Rock Art Sites MPS), Address Restricted, Pulaski, 92000591

**Pierce County**

Mero Archeological District, Address Restricted, Diamond Bluff, 92000590

[FR Doc. 92-10301 Filed 5-4-92; 8:45 am]

BILLING CODE 4310-70-M

**INTERSTATE COMMERCE COMMISSION**

[Docket No. AB-55 (Sub-No. 423X)]

**CSX Transportation Inc.—  
Abandonment Exemption—in Mineral  
County, WV**

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon its 2.5-mile line of railroad between milepost BWE-1.5, V.S. 79+06.3 at Maryland Junction and milepost BWE-4.0, V.S. 211+20 at Knobmount, located in Mineral County, WV.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to the use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on June 4,

1992 (unless stayed). Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking statements under 49 CFR 1152.29 must be filed by May 15, 1992.<sup>3</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 25, 1992 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by May 8, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6243. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 23, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,  
Secretary.

[FR Doc. 92-10421 Filed 5-4-92; 8:45 am]

BILLING CODE 7035-01-M

<sup>1</sup> A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C. 2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

**DEPARTMENT OF JUSTICE****Lodging of Consent Decree Pursuant to CERCLA**

In accordance with Department policy, 28 CFR 50.7, and pursuant to section 122(i) of Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given that a proposed decree in *United States v. the Allied-Signal Co., et al.*, Civil Action No. 3:92-1108-0, was lodged with the United States District Court for the District of South Carolina on April 15, 1992. This agreement resolves a judicial enforcement action brought by the United States against the defendants pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607.

The proposed decree provides that the Settling Defendants will design a system to extract and treat contaminated groundwater from the surficial aquifer in the vicinity of the Bluff Road Superfund Site, located approximately seven miles Southeast of downtown Columbia, in Richland County, South Carolina. Under the proposed Decree, one group of Settlers, known as Cash-Out Settlers, will pay the sum of \$671,000 into a trust account. Those funds, along with funds contributed by the second group of defendants, known as the Performing Settlers, will be used to fund the remedial action and to reimburse the Hazardous Substances Superfund for costs incurred by EPA at the Site. EPA estimates that the remedial action will cost approximately \$5.4 million. The amount to be paid to the Superfund, \$933,091, represents approximately 99% of the costs that EPA incurred at the Site.

The Department of Justice will receive, for a period of 30 days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Allied-Signal Co., et al.*, D.O.J. Ref. 90-7-1-81B.

This Consent Decree may be examined at the offices of the United States Attorney, District of South Carolina Federal Building, 1100 Laurel Street, Columbia, South Carolina 29201, at the Office Regional Counsel, EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365, and at the Offices of the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, room 1535, Ninth Street and



Pennsylvania Avenue, NW., Washington, DC 20530. The proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004, (202) 347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$16.00 (25 cents per page reproduction costs) payable to Consent Decree Library.

John C. Cruden,

Chief, Environment and Natural Resources Division.

[FR Doc. 92-10410 Filed 5-4-92; 8:45 am]

BILLING CODE 4410-01-M

#### Antitrust Division

##### Notice Pursuant to the National Cooperative Research Act of 1984—International Pharmaceutical Aerosol Consortium for Toxicology Testing of HFA-134a (IPACT-I)

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the International Pharmaceutical Aerosol Consortium for Toxicology Testing of HFA-134a ("IPACT-I," formerly "IPACT"), on February 28, 1992, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of maintaining the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The new members of IPACT-I are:

ADIR, Courbevoie, France;  
ASTA Medica AG, Frankfurt, Germany;  
Hoffmann-La Roche, Inc., Nutley, NJ;  
IVAX/Norton Healthcare, Ltd., Harlow Essex, England.

Also, because of a corporate reorganization, the name of Rorer Group, Inc. has changed to Rhone-Poulenc Rorer Pharmaceuticals, Inc.

No other changes have been made in the membership, objectives, or planned activities of IPACT-I.

On August 7, 1990, IPACT-I filed its original notification pursuant to section 6(a) of the Act, notice of which the Department of Justice published in the *Federal Register* pursuant to section 6(b)

of the Act on September 6, 1990, 55 FR 36710.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-10406 Filed 5-4-92; 8:45 am]

BILLING CODE 4410-01-M

##### Notice Pursuant to the National Cooperative Research Act of 1984—Corporation for Open Systems International

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Corporation for Open Systems International ("COS") on March 9, 1992, filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of COS. The additional written notification was filed for the purpose of extending the protections of Section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On May 14, 1986, COS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the *Federal Register* pursuant to section 6(b) of the Act on June 11, 1986 (51 FR 21260). On August 6, 1986, September 30, 1986, January 2, 1987, March 24, 1987, June 16, 1987, July 20, 1987, July 23, 1987, July 31, 1987, October 5, 1987, October 23, 1987, November 16, 1987, January 12, 1988, February 9, 1988, May 2, 1988, October 20, 1988, March 15, 1989, August 30, 1989, and April 3, 1990, COS filed additional written notifications. The Department published notices in the *Federal Register* in response to these additional notifications on September 4, 1986 (51 FR 31735), October 28, 1986 (51 FR 39434), February 13, 1987 (52 FR 4671), April 24, 1987 (52 FR 13769), July 21, 1987 (52 FR 27473), October 7, 1987 (52 FR 37539), November 9, 1987 (52 FR 43138), December 4, 1987 (52 FR 46129), December 15, 1987 (52 FR 47642), December 18, 1987 (52 FR 48164), February 19, 1988 (53 FR 5060), March 8, 1988 (53 FR 7411), June 30, 1988 (53 FR 24811), November 25, 1988 (53 FR 47773), April 20, 1989 (54 FR 16013), October 17, 1989 (54 FR 42578), and April 26, 1990 (55 FR 17680), respectively.

On January 1, 1992, the following companies became members of COS: Ameritech Services of Hoffman Estates, IL; Dowty of Redwood City, CA; Siemens Stromber-Carlson of Boca Raton, FL; Dset of Morristown, NJ;

Central and Southwest Services of Dallas, TX; and Southern Company Services of Birmingham, AL.

On January 1, 1992, the following companies ceased their membership in COS:

NCR of Dayton, OH; Rockwell of Ann Arbor, MI; Tandem of Cupertino, CA; Wang of Lowell, MA; Gandalf of Nepean, Ontario, Canada; ALCOA of Pittsburgh, PA; General Dynamics of Springtown, TX; US Army, Pentagon, Washington, D.C.; Swedish Telecom of Farsta, Sweden; Jupiter of Phoenix, AZ; and Soft-Switch of Wayne, PA.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-10409 Filed 5-4-92; 8:45 am]

BILLING CODE 4410-01-M

##### Notice Pursuant to the National Cooperative Research Act of 1984—Semiconductor Research Corporation

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Semiconductor Research Corporation ("SRC"), on February 14, 1992, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following companies have been added to SRC: Meta-Software, Inc. of Campbell, California; SRI International of Menlo Park, California; and Sunrise Test Systems, Inc. of Sunnyvale, California as affiliate members. In addition, Control Data Corporation of Minneapolis, Minnesota, is deleted from membership, and NCR Corporation of Dayton, Ohio, is also deleted since it is now a subsidiary of American Telephone & Telegraph Company, a current member.

On January 7, 1985, SRC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice ("The Department") published a notice in the *Federal Register* pursuant to section 6(b) of the Act on January 30, 1985, 50 FR 4281.

The most recent notification of SRC membership changes published in the *Federal Register* with a then current and complete membership list was filed by SRC on October 25, 1989, and published by the Department on November 29,



1989, 54 FR 49123-24. Subsequent notifications filed on February 20, 1990, May 16, 1990, and July 18, 1990, were published on April 5, 1990, 55 FR 12750, June 13, 1990, 55 FR 23989, and August 15, 1990, 55 FR 33389-390, respectively, disclosing only membership changes. Notifications filed on September 24 and October 17, 1990, February 19, 1991, July 22, 1991, and November 4, 1991, disclosing further membership changes, were published on November 27, 1990, 55 FR 49349, March 15, 1991, 56 FR 11275, September 12, 1991, 56 FR 46444, and December 18, 1991, 56 FR 65745, respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-10407 Filed 5-4-92; 8:45 am]

BILLING CODE 4410-01-M

### Notice Pursuant to the National Cooperative Research Act of 1984 Semiconductor Research Corporation

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("Act"), the Semiconductor Research Corporation ("SRC"), on March 23, 1992, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of maintaining the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following companies have been added to SRC: Northern Telecom Electronics Limited of Mississauga, Ontario, as a member, The MITRE Corporation of Bedford, Massachusetts, as an associate member, and Q-Metrics, Inc. of Woburn, Massachusetts as an affiliate member. In addition, Epic Design Technology of Santa Clara, California, and XMR, Inc. of Santa Clara, California, are deleted from membership.

On January 7, 1985, SRC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the *Federal Register* pursuant to section 6(b) of the Act on January 30, 1985 (50 FR 4281). The most recent notification of SRC membership changes published in the *Federal Register* with a then current and complete membership list was filed by SRC on October 25, 1989, and published by the Department on November 29, 1989, 54 FR 49123-24. Subsequent notification filed on February 20, 1990, May 16, 1990, and July 18, 1990, were published on April 5, 1990 (55 FR 12750), June 13, 1990 (55 FR 23989), and August

15, 1990 (55 FR 33389-390), respectively, disclosing only membership changes. Notifications filed on September 24, 1990, October 17, 1990, February 19, 1991, July 22, 1991, and November 4, 1991, disclosing further membership changes, were published on November 27, 1990 (55 FR 49349), March 15, 1991 (56 FR 11275), September 12, 1991 (56 FR 46444), and December 18, 1991 (56 FR 65745), respectively. A notification filed on February 14, 1992, disclosing further membership changes has not yet been published.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-10408 Filed 5-4-92; 8:45 am]

BILLING CODE 4410-01-M

### DEPARTMENT OF LABOR

#### Employment and Training Administration

#### The Atlantic Richfield Company, Incorporated

TA-W-26,476, Arco Oil and Gas Company, Western District, Headquartered in Bakersfield, California and TA-W-26,476A, operating at various locations in the State of California.

TA-W-26,657, Arco Oil and Gas Company, Southern District, Headquartered in Houston, Texas and TA-W-26,657A, Operating at various locations in Southern Texas (excluding Central and Southeastern).

TA-W-26,722, Arco Oil and Gas Company, Central District, Headquartered in Midland, Texas and Operating at various locations in the following States:

TA-W-26,722A Colorado  
TA-W-26,722B Kansas  
TA-W-26,722C Michigan  
TA-W-26,722D New Mexico  
TA-W-26,722E Oklahoma  
TA-W-26,722F Texas (excluding Southern and Southeastern)

TA-W-26,722G Wyoming  
TA-W-26,723, Arco Oil and Gas Company, Headquarters Dallas, Texas and TA-W-26,723A Arco Oil and Gas Company, Plano Technical Services Center, Plano, Texas.

TA-W-26,724, Arco Oil and Gas Company, Southeastern District, Headquartered in Lafayette, Louisiana and operating at various locations in the following states:

TA-W-26,724A Arkansas  
TA-W-26,724B Alabama  
TA-W-26,724C Louisiana  
TA-W-26,724D Texas (excluding Southern and Central)

#### Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued Certifications of Eligibility to Apply for Worker Adjustment Assistance on

February 21, 1992, applicable to all workers of the subject firm at the indicated locations. The certifications were published in the *Federal Register* on March 4, 1992 (57 FR 7794).

At the request of the Louisiana State Agency the Department reviewed the certifications for ARCO Oil and Gas. New information received by the Department shows that the claimants wages are being reported under the parent company, Atlantic Richfield Company, Inc., not ARCO Oil and Gas. Therefore, in order to properly reflect the correct worker group, the Department has included the name of the parent company on the Certification notice—Atlantic Richfield Company, Inc.

The amended notice applicable to the subject certifications is hereby issued as follows:

All workers of ARCO Oil and Gas Company, also known as Atlantic Richfield Company, Inc., Western District, headquartered in Bakersfield, California (TA-W-26,476 and operating out of various locations in the State of California (TA-W-26,476A) who became totally or partially separated from employment on or after October 17, 1990 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

All workers of ARCO Oil and Gas Company, also known as Atlantic Richfield Company, Inc., Southern District, headquartered in Houston, Texas (TA-W-26,657) and operating out of various locations in Southern Texas (TA-W-26,657A) (excluding Central and Southeastern Texas) who became totally or partially separated from employment on or after November 21, 1990 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

All workers of ARCO Oil and Gas Company, also known as Atlantic Richfield Company, Inc., Headquarters Dallas, Texas (TA-W-26,723) and the Plano Technical Services Center, Plano, Texas (TA-W-26,723A); and the Central District, headquartered in Midland, Texas (TA-W-26,722) and operating out of the below cited locations; and the Southeastern District, headquartered in Lafayette, Louisiana (TA-W-26,724) and operating out of the below cited locations who became totally or partially separated from employment on or after January 8, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974:

#### Central District

TA-W-26,722A Colorado  
TA-W-26,722B Kansas  
TA-W-26,722C Michigan  
TA-W-26,722D New Mexico  
TA-W-26,722E Oklahoma  
TA-W-26,722F Texas (excluding Southern and Southeastern)  
TA-W-26,722G, Wyoming



## Southeastern District

TA-W-26,724A Arkansas

TA-W-26,724B Alabama

TA-W-26,724C Louisiana

TA-W-26,724D Texas (excluding Southern and Central)

Signed at Washington, DC, this 27th day of April 1992.

Marvin M. Fooks,

Director of Trade Adjustment Assistance.

[FR Doc. 92-10437 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding  
Certifications of Eligibility To Apply for  
Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this

notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the

Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 15, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 15, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, D.C. this 20th day of April 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

## APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date petition	Petition No.	Articles produced
BJ Services Company (Workers)	Pleasanton, TX	04/20/92	04/07/92	27,137	Oil well services.
Joyce Elaine Garments, Inc. (workers)	West Pittsfield, IL	04/20/92	03/27/92	27,138	Work jackets.
Tuscarora Plastics, Inc. (AIW)	New Brighton, PA	04/20/92	03/23/92	27,139	Molding presses.
Louis Clark, Inc. (ILGWU)	Philadelphia, PA	04/20/92	04/02/92	27,140	Ladies' dresses and blouses.
Stride Rite Footwear of Missouri (UFCW)	Tipton, MO	04/20/92	04/02/92	27,141	Shoe out soles.
Garlington Trucking, Inc. (Co)	Bloomfield, NM	04/20/92	03/12/92	27,142	Hauled water for oil companies.
New Reserve Gas (Co)	Oklahoma City, OK	04/20/92	04/07/92	27,143	Oil exploration.
ANRO of Sarasota, Inc. (Co)	Sarasota, FL	04/20/92	04/01/92	27,144	Decorative frames.
Hercules, Inc. (USW/Co)	Kenil, NJ	04/20/92	04/08/92	27,145	Smokeless gunpowder.
Inter-City Products (USA) (workers)	Red Bud, IL	04/20/92	04/08/92	27,146	Commercial rooftop units.
Santa Fe Minerals, Inc. (Co)	Dallas, TX	04/20/92	04/07/92	27,147	Oil and gas.
CAE-Link Corp. (workers)	Binghamton, NY	04/20/92	04/07/92	27,148	Flight simulators.
Shelby Group, Inc. (workers)	Reed City, MI	04/20/92	03/31/92	27,149	Leather gloves.
Nordic-Calista Services (Co)	Anchorage, AK	04/20/92	04/08/92	27,150	Oil well services.
Alaska Well Services, Inc. (Co)	Anchorage, AK	04/20/92	04/08/92	27,151	Oil well services.
National Tank Company (NATCO) (workers)	Tulsa, OK	04/20/92	04/08/92	27,152	Oil, gas processing equipment.
McCormick & Baxter Creosoting Co (workers)	Portland, OR	04/20/92	02/19/92	27,153	Treated Douglas fir poles.
GHK Company (workers)	Oklahoma City, OK	04/20/92	04/03/92	27,154	Gas and oil producer.
Diamond Dress Co., Inc. (IGWU)	East Orange, NJ	04/20/92	04/07/92	27,155	Ladies' dresses.
Halliburton Services Mfg Center (workers)	Duncan, OK	04/20/92	04/07/92	27,156	Oilfield machinery.
Halliburton Services Davis mfg (workers)	Davis, OK	04/20/92	04/07/92	27,157	Oilfield machinery.
Smith International, Inc. (workers)	Houston, TX	04/20/92	04/09/92	27,158	Drilling of various oil companies.
Santa Fe Minerals, Inc. (Co)	Middletown, CA	04/20/92	04/07/92	27,159	Oil and gas.
Santa Fe Minerals, Inc. (Co)	Live Oak, CA	04/20/92	04/07/92	27,160	Oil and gas.
Santa Fe Minerals, Inc. (Co)	Tyrone, OK	04/20/92	04/07/92	27,161	Oil and gas.
Santa Fe Minerals, Inc. (Co)	El Reno, OK	04/20/92	04/07/92	27,162	Oil and gas.
Santa Fe Minerals, Inc. (Co)	Tulsa, OK	04/20/92	04/07/92	27,163	Oil and gas.
Santa Fe Minerals, Inc. (Co)	Lafayette, LA	04/20/92	04/07/92	27,164	Oil and gas.
Santa Fe Minerals, Inc. (Co)	Fort Smith, AR	04/20/92	04/07/92	27,165	Oil and gas.

[FR Doc. 92-10435 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,921; TA-W-26,935; TA-W-26,936]

Halliburton Services: Anchorage, AK;  
Fort Smith, AR; Termination of  
Investigations

Pursuant to section 221 of the Trade Act of 1974, investigations were initiated on March 2, 1992 in response to a worker petition which was filed on February 21, 1992 by the company on

behalf of workers at several Halliburton Services' field offices. These included investigations TA-W-26,913 through TA-W-26,940.

Several investigative numbers were assigned to a single site—Anchorage, Alaska. The investigation numbers assigned to Anchorage, Alaska (both TA-W-26,921, and TA-W-26,936) are superfluous since investigation number TA-W-26,915 was assigned first to that site. Investigation number TA-W-26,935 assigned to Fort Smith, Arkansas is also superfluous, since TA-W-26,923

was assigned first to Fort Smith, Arkansas. Therefore, further investigation in these cases would serve no purpose, and the investigations have been terminated.

Signed at Washington, DC this 24th day of April 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-10441 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M



[TA-W-26,751 et al.]

**Halliburton Services; Negative Determination Regarding Application for Reconsideration**

In the matter of Halliburton Services, TA-W-26,751 ABILENE, TX; TA-W-26,752 WICHITA FALLS, TX; TA-W-26,774 ALICE, TX; TA-W-26,776 FRESNO, TX; TA-W-26,777 LAREDO, TX; TA-W-26,778 LULING, TX; TA-W-26,779 MISSION, TX; TA-W-26,780 VICTORIA, TX; TA-W-26,782 GALVESTON, TX; TA-W-26,783 PLEASANTON, TX.

By an application dated April 3, 1992, the company requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notices were signed on March 18, 1992 for workers at Abilene and Wichita Falls, Texas and on March 20, 1992 for the remainder of the subject locations. The notices were published in the **Federal Register** on March 31, 1992 (57 FR 10923).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The company claims worker separations occurred because the rig count declined in 1991 as a result of U.S. imports of crude oil. The company further claimed that the Department was inconsistent in issuing its determinations by certifying the workers of Halliburton Services at Duncan, Oklahoma and denying workers at other locations of Halliburton Services. Its also claimed that the Department was inconsistent when it denied the workers at the Alice, Texas location of Halliburton Services and certified nearby workers at Halliburton Logging locations.

The Department was not inconsistent in its determinations. Workers at the several locations of Halliburton Logging were certified because they were engaged in wireline logging activities and met the on-site requirements for certification and the worker group criteria of the Trade Act in the period relevant to their petition. With respect to the workers of Halliburton Services at Duncan (TA-W-26,108), they were the Stimulation Flex Crew and were certified because they were engaged

primarily in wireless logging activities and met all the worker group criteria of the Trade Act.

Finally, a decline in the rig count, in itself, would not provide a basis for a worker group certification.

In order for a worker group to be certified eligible to apply for adjustment assistance benefits, it must meet all three of the Group Eligibility Requirements of the Trade Act—(1), A significant decrease in employment; (2), an absolute decrease in sales or production and (3), an increase of imports which contributed importantly to worker separations and declines in sales or production. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The failure to meet any one of the worker group criteria would result in a negative determination.

The Department's denial was based on the fact that the increased import criterion not met in 1991 compared to 1990. More recent crude oil import data substantiates the Department's first 11 months findings for 1991 by showing that crude oil imports declined absolutely and relative to domestic shipments in 1991 compared to 1990.

With respect to natural gas, U.S. shipments and exports increased in 1991 compared to 1990 and imports did not increase relative to domestic shipments and consumption. Other findings show that natural gas prices declined because of the over supply of natural gas and the increased sales of natural gas from storage.

The findings show that drilling activities are down not because of U.S. imports but because of the lack of demand for gas resulting from the warmer weather, business recession and the switching of some utilities from gas to other fuels.

**Conclusion**

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 27th day of April 1992.

**Robert O. Deslongchamps,**

*Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.*

[FR Doc. 92-10442 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,817]

**Ponder Industries, Alice, TX; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Ponder Industries, Alice, Texas. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-26,817;

Ponder Industries, Alice, Texas (April 23, 1992)

Signed at Washington, D.C. this 27th day of April 1992.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 92-10436 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,676]

**Prairie Manufacturing Co., St. Louis, MO; Negative Determination Regarding Application for Reconsideration**

By an application dated March 5, 1992, the company requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on February 14, 1992 and was published in the **Federal Register** on February 25, 1992 (57 FR 6528).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The company claims that one of its major customers lost a large uniform pants order to an overseas competitor.

The Department's denial was based on the fact the increased import criterion and the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act were not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers.



Investigation findings show that U.S. imports of men's trousers, slacks and pants declined in the first nine months of 1991 compared to the same period in 1990.

Other investigation findings show that none of Prairie's major customers imported men's pants or work uniforms in 1989, 1990 or 1991. The lost pants order to an overseas competitor occurred in 1987 and 1988. This period is outside the scope of the Department's investigation based on petition TA-W-26,676 dated December 3, 1991. Section 223(b)(1) of the Trade Act does not permit the certification of workers prior to one year of the date of petition.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 27th day of April 1992.

Stephen A. Wandner,  
Deputy Director, Office of Legislation &  
Actuarial Service, Unemployment Insurance  
Service.

[FR Doc. 92-10443 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-26,709]

#### Rand & Rand, Inc., Philadelphia, PA; Negative Determination Regarding Application for Reconsideration

By an application dated March 26, 1992, the Philadelphia-South Jersey District Council of the International Ladies' Garment Workers' Union (ILGWU) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on February 25, 1992 and was published in the *Federal Register* on March 6, 1992 (57 FR 8157).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union states that the workers were engaged in the production of skirts used as school uniforms and that imports increased in 1990 compared to 1989.

The Department's denial was based on the fact that the increased import criterion and the "contributed importantly" test of the Group Eligibility Requirements of the Trade were not met in the period relevant to the union's petition. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers.

U.S. imports of women's and girls' skirts as well as women's and girl's dresses declined absolutely in the first nine months of 1991 compared to the same period in 1990. The Department's survey of the subject firm's major declining customers shows that none of the respondents reported importing girl's uniforms in the relevant period.

Customer comments indicate that its almost impossible to import school uniforms since they are customized and unique to each school. Further, the retailer is preselected by the parochial and private schools as to where their uniforms may be purchased. Other findings show a shift in production to nonunionized shops in the South.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 27th day of April 1992.

Robert O. Deslongchamps,  
Director, Office of Legislation & Actuarial  
Service, Unemployment Insurance Service.  
[FR Doc. 92-10444 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

#### Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of April 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,893; R & H Enterprises, Osseo, MN

TA-W-26,863; Grimes Aerospace Corp., Surface Road Facility Columbus, OH

TA-W-26,851; Classic Leather Corp., Johnstown, NY

TA-W-26,881; Diesel Recon Co., El Paso, TX

TA-W-26,812; Loewengart & Co., Inc., Mercersburg, PA

TA-W-26,861; Gerber Childrenswear, Inc., Petzer, SC

TA-W-26,886; FSI International, Chaska, MN

TA-W-26,897; Spacelabs, Inc., Hillsboro, OR

TA-W-26,710; Siemens Stromberg-Carlson, Phoenix, AZ

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26,882; Dynascan Corp., Chicago, IL

The workers' firm does not produce an article as required for certification under section 222 of the trade Act of 1974.

TA-W-26,857; Electronic Measurements, Inc., Neptune, NJ

U.S. imports of AC-DC Power supplies similar to the type produced at the subject firm during the relevant period under investigation are negligible.

TA-W-26,833, TA-W-26,884; TA-W-26,885; Fisher-Price, Inc., El Paso, TX, Brownsville, TX and Sarysidro, CA

Increased imports did not contribute importantly to worker separations at the firm.



TA-W-26,849; Allied Signal Corp, Allied Signal Aerospace Co, Bendix Electric Power Div., Eatontown, NJ

U.S. imports of power generators for military applications are negligible.

TA-W-26,958; Anschutz Corp., Denver, CO

U.S. imports of crude oil declined absolutely and relative to domestic shipments in 1991 compared with 1990. Also, U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-27,858; Ensco Drilling Co., Broussard, LA

U.S. imports of crude oil declined absolutely and relative to domestic shipments in 1991 compared with 1990. Also, U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative domestic shipment and consumption.

TA-W-27,048; Leede Exploration, Englewood, CO

U.S. imports of crude oil declined absolutely and relative to domestic shipments in 1991 compared with 1990. Also, U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative domestic shipment and consumption.

TA-W-26,910; Dunmore Corp., Racine, WI

U.S. imports of power driven handtolls decreased absolutely and relative to domestic supply in the relevant periods of 1990 compared to 1989 and in 1991 compared to 1990.

TA-W-26,876; Trainer Survey, Inc., Shreveport, LA

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also, U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,896; Sonat Offshore Drilling USA, New Orleans, LA

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also, U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,924, TA-W-26,913, TA-W-26,914, TA-W-26,915, TA-W-27,918; Halliburton Services, Duncan, OK

Norton, VA, Belfield, ND, and, Elkview, WV

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,917, TA-W-26,918, TA-W-26,919, TA-W-26,920, TA-W-26,922; Halliburton Services, Artesia, NM, Bossier City, LA, Kalkaska, MI, Helenwood, TN and El Dorado, KS

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,923, TA-W-26,925 TA-W-26,926, TA-W-26,927, TA-W-26,928; Halliburton Services Co., Fort Smith, AR, Brighton, CO, Cortland, OH, Indiana, PA, and Jackson, MS

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,929, TA-W-26,930, TA-W-26,931, TA-W-26,932, TA-W-26,933 Halliburton Services, Amarillo, TX, Cutbank, MT, Flora, IL, Vernal, UT and Paintsville, KY

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,934, TA-W-26,937, TA-W-26,938, TA-W-26,939, TA-W-26,940; Halliburton Services, Felda, FL, Evanston, WY, Avenal, CA, Billings, MT and Ardmore, OK

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,873; NCR Monroe-Middletown Distribution Center, Middletown, CT

The workers' firm does not produce an article as required for certification

under section 222 of the Trade Act of 1974.

#### Affirmative Determinations

TA-W-26,808; John Deere Foundry, East Moline, East Moline, IL

A certification was issued covering all workers separated on or after January 10, 1991.

TA-W-26,895; SL Waber, Inc., Bensalem, PA

A certification was issued covering all workers separated on or after February 12, 1991 and before December 31, 1991.

TA-W-26, 665; Dowell Schlumberger, Inc., Houston, TX A; AR, B; FL, C; IL, D; KS, E; KY, F; LA, G; MI, H; MS, I; NE, J; NJ, K; NY, L; NC, M; OH, N; OK, O; PA P; TX (Excluding Houston) Q; WV

A certification was issued covering all workers separated on or after December 16, 1990.

TA-W-27,043; Gailord Classics, Inc., Philadelphia, PA

A certification was issued covering all workers separated on or after March 18, 1991.

TA-W-27, 013; Lowell Lingerie Co., Inc., Lowell, MA

A certification was issued covering all workers separated on or after March 2, 1991.

TA-W-26,862; Golden Ribbon Corp., Boulder, CO

A certification was issued covering all workers separated on or after February 7, 1991.

TA-W-26,969; FMC Corp., Naval System Div., Aberdeen, SD

A certification was issued covering all workers separated on or after February 25, 1991.

TA-W-26,859; Gerber Childrenswear, Inc., Ephrata PA

A certification was issued covering all workers separated on or after February 7, 1991.

TA-W-26,860; Gerber Childrenswear, Inc., Tempe, AZ

A certification was issued covering all workers separated on or after February 7, 1991.

I hereby certify that the aforementioned determinations were issued during the month of April 1992. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.



April 28, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-10434 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,581]

**Talon, Inc., Meadville, PA; Negative Determination Regarding Application for Reconsideration**

By an application dated March 20, 1992, Local 110 of the International Association of Machinists (IAM) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on March 12, 1992 and published in the *Federal Register* on March 25, 1992 (57 FR 10385).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of the decision.

The union claims that the Department did not consider Talon's company imports of zippers, the fact that a foreign company, Coats Vyella, purchased Talon in late 1991 and the fact that the Department did not survey all the customers.

In order for a worker group to be certified eligible to apply for adjustment assistance benefits, it must meet all three of the Group Eligibility Requirements of the Trade Act—(1) A significant decrease in employment; (2) an absolute decrease in sales or production and (3) an increase of imports of articles like or directly competitive with those produced at the workers' firm and which contributed importantly to worker separations and declines in sales or production. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The failure to meet any one of the worker group criteria would result in a negative determination.

The Department's denial was based on the fact that the increased import criterion and the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act were not met.

U.S. imports of zippers and slide fasteners declined absolutely in 1989 compared to 1988 and in the first nine months of 1990 compared to the same period in 1989. With respect to the Department's survey of major declining customers, the survey respondents accounted for a substantial portion of Talon's 1990 sales. None of the respondents reported purchasing imported zippers in 1990 or in 1991.

Investigation findings show that Talon imported some zipper sliders in 1990 and 1991; however, these imports accounted for only a negligible amount of Meadville's production.

Further, company officials stated that not only was there no adverse impact at Meadville because of the purchase of Talon by Coats Vyella but the purchase should increase Talon's exports since Coats Vyella is a world-wide apparel company.

According to company officials, there is a negative impact on the domestic demand for U.S. zippers since increased apparel imports with zippers have supplanted domestic apparel production which use Talon's zippers. The courts, however, have ruled in the *Bedell* case, *United Shoe Workers of America, AFL-CIO v. Bedell*, 506 F.2d (D.C. Cir. 1974) that this type of foreign competition would not serve as a basis for trade adjustment assistance i.e., the component article (zippers) is not like or directly competitive with the finished article (apparel).

**Conclusion**

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 27th day of April 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-10445 Filed 5-4-92; 8:45 am]

BILLING CODE 4510-30-M

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**Agency Information Collection Activities Under OMB Review**

**AGENCY:** National Endowment for the Arts.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Arts (NEA) has sent to the Office of

Management and Budget (OMB) a request for clearance of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**DATES:** Comments on this information collection must be submitted by June 4, 1992.

**ADDRESSES:** Send comments to Mr. Dan Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

**FOR FURTHER INFORMATION CONTACT:** Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

**SUPPLEMENTARY INFORMATION:** The Endowment requests the review of a revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

**Title:** FY 93/94 State and Regional Program Application Guidelines.

**Frequency of Collection:** Biennially.

**Respondents:** State or local governments.

**Use:** Guideline instructions and applications elicit relevant information from local arts agencies that apply for funding under specific Locals Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

**Estimated Number of Respondents:** 23.

**Average Burden Hours Per Response:** 12.

**Total Estimated Burden:** 276.

Judith E. O'Brien,

Management Analyst, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 92-10363 Filed 5-4-92; 8:45 am]

BILLING CODE 7537-01-M



**NATIONAL SCIENCE FOUNDATION****Special Emphasis Panel in Advanced Scientific Computing; Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

**Name:** Special Emphasis Panel in Advanced Scientific Computing.  
**Date:** May 28-29, 1992.  
**Time:** 8:30 a.m.-5 p.m. each day.  
**Location:** 1110 Vermont Avenue, NW., room 500D, Washington, DC.  
**Type of Meeting:** Closed.

**Contact Person:** Dr. Merrell L. Patrick, NSF HPCC Coordinator, Computer and Information Science and Engineering Directorate, National Science Foundation, room 306, Washington, DC 20550 (202-357-7936).

**Agenda:** Review and evaluate Grand Challenge Applications Group proposals.  
**Reason for Closing:** The proposals being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: April 30, 1992.

**M. Rebecca Winkler,**  
 Committee Management Officer.  
 [FR Doc. 92-10467 Filed 5-4-92; 8:45 am]  
 BILLING CODE 7555-01-M

**Proposal Review Panel for Undergraduate Science, Engineering, and Mathematics Education; Meetings**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following five meetings:

**Name:** Proposal Review Panel for Undergraduate Science, Engineering, and Mathematics Education.

Date(s)	Time	Location
6/1/92	9-5	NEH
6/2/92	9-noon	
6/3/92	9-5	NSF
6/4/92	9-noon	
6/4/92	2-5	NSF
6/5/92	9-5	
6/8/92	9-5	NEH
6/9	9-noon	
6/11/92	9-5	NEH
6/12	9-noon	

Meetings at NEH will be held in room 302, 1100 Pennsylvania Avenue, NW., Washington, DC.

Meetings at NSF will be held in rm. 1243, 1800 G Street, NW., Washington, DC.

**Contact:** Dr. William Haver, program Director, rm. 1210, 1800 G Street NW., Washington, DC. 20550, telephone 202-357-7051.

**Type of Meetings:** Closed.

**Purpose of Meetings:** To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

**Agenda:** To review and evaluate proposals submitted to the Undergraduate Course and Curriculum Development Program/Leadership Project and the Humanities Program (joint procedures have been developed under National Science Foundation, National Endowment for the Humanities, and the Department of Education).

**Reason for Closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 30, 1992.

**M. Rebecca Winkler,**  
 Committee Management Officer.  
 [FR Doc. 92-10466 Filed 5-4-92; 8:45 am]  
 BILLING CODE 7555-01-M

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-423]

**Order Approving Transfer of License**

In the Matter of Fitchburg Gas and Electric Light Co.; (Millstone Nuclear Power Station, Unit No. 3).

I

The Fitchburg Gas and Electric Light Company (Fitchburg) is the holder of a 0.217 percent ownership share of the Millstone Nuclear Power Station, Unit No. 3. Fitchburg's interest in Millstone 3 is governed by License No. NPF-49, issued by the U.S. Nuclear Regulatory Commission (the NRC) pursuant to 10 CFR part 50 on January 31, 1986, in Docket No. 50-423. Under this license, only Northeast Nuclear Energy Company (NNECO) has the authority to operate Millstone 3 as agent and representative of 14 other utilities, which include the Fitchburg Gas and Electric Light Company. Millstone 3 is located in New London County, Connecticut.

II

By letter from Fitchburg's counsel, LeBouef, Lamb, Leiby and MacRae dated April 14, 1992, Fitchburg informed the Commission that according to a proposed merger, UNITIL Corporation (UNITIL) will become the sole holder of

Fitchburg stock, and the current holders of shares of Fitchburg common stock will become holders of shares of the common stock of UNITIL on a share-by-share basis. As a result of this transaction, Fitchburg will become a wholly owned subsidiary of UNITIL.

The transfer of any right under License No. NPF-49 is subject to the NRC's approval pursuant to 10 CFR 50.80(a). Based on the information provided in the April 14, 1992 letter from LeBouef, Lamb, Leiby and MacRae, the staff has determined that Fitchburg will remain qualified to be a holder of License No. NPF-49 and that the proposed transfer of control is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

III

Accordingly, pursuant to sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201 et seq., and 10 CFR 50.80, it is hereby ordered that the Commission consents to the proposed ownership of Fitchburg by UNITIL Corporation subject to the following: (1) Should the transfer not be completed by July 31, 1992, this Order will be null and void and (2) on application and for good cause shown, this Order may be extended for a short period beyond July 31, 1992.

Date at Rockville, Maryland this 28th day of April 1992.

For the Nuclear Regulatory Commission.  
**Frank J. Miraglia,**  
 Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-10418 Filed 5-4-92; 8:45 am]  
 BILLING CODE 7590-01-M

[Docket No. 50-389]

**Florida Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-16 issued to Florida Power and Light Company for operation of St. Lucie Unit 2 located in St. Lucie County, Florida.

The proposed amendment would reduce the safety injection tank (SIT) minimum pressure from 570 psig to 500 psig. The proposed change provides the benefit of a greater differential pressure margin between the SIT operating pressure and the SIT relief valve



pressure setpoint (669 psig). Reducing the SIT limiting condition for operation (LCO) to 500 psig means that the minimum SIT pressure would be approximately 75 percent of the relief valve pressure setpoint, which represents a 10 percent increase in margin when compared to current conditions. This additional margin lessens the potential for SIT relief valve leakage that has impacted plant availability in the past.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Reducing the safety injection tank (SIT) minimum pressure does not involve a significant increase in the probability of a loss-of-coolant accident (LOCA), since the SITs are passive systems and have no effect on the reactor coolant system (RCS) until after the depressurization of the RCS due to a LOCA.

Reducing the SIT minimum pressure to 500 psig for St. Lucie Unit 2 increases the small break loss-of-coolant [accident] (SBLOCA) limiting break size from 0.0375 ft<sup>2</sup> to 0.0450 ft<sup>2</sup> and increases peak cladding temperature from 1771°F to 1905°F for the new limiting break size. The calculated peak cladding temperature (1905°F) for the SBLOCA analysis with reduced SIT minimum pressure remains less than the current large break loss-of-coolant [accident] (LBLOCA) analysis peak cladding temperature of 2107°F. This LBLOCA analysis was performed assuming [an] SIT pressure of 200 psig, a condition which conservatively covers the proposed minimum SIT pressure of 500 psig. Therefore, although the consequences of a SBLOCA are increased slightly, the LBLOCA calculation remains the limiting analysis of record for emergency core cooling system (ECCS) performance evaluation.

The LBLOCA analysis of record is for cycle 3 which has been shown to bound later cycles. This LBLOCA analysis also shows acceptable conformance to 10 CFR 50.46, [a]cceptance, [c]riteria for ECCS performance for light water nuclear power reactors, in support of the proposed minimum SIT pressure of 500 psig. This ECCS performance evaluation for St. Lucie Unit 2 was performed consistent with NRC approved methodology and 10 CFR 50 Appendix K criteria. The LBLOCA analysis was performed assuming [an] SIT pressure of 200 psig, therefore, there is no increase in the consequences of [an] LBLOCA due to reducing the minimum SIT pressure to 500 psig.

Non-LOCA design basis events have been reviewed to evaluate the impact of decreasing the minimum SIT pressure to 500 psig. For St. Lucie Unit 2, none of the non-LOCA events calculate or credit SIT injection into the RCS, since none of the non-LOCA accidents result in RCS depressurization below the SIT maximum pressure setpoint. Therefore, the reduction of the SIT minimum pressure setpoint has no increase in the consequences on non-LOCA design bases events due to reducing the minimum SIT pressure to 500 psig.

The station blackout event (SBO), which is presented in § 15.10.5 of the [Updated Final Safety Analysis Report (UFSAR)], has been reviewed to evaluate the impact of decreasing the SIT minimum pressure to 500 psig. With the SIT pressure reduced to 500 psig, SIT injection is initiated prior to the occurrence of voiding in the RCS loops, thus preventing a loss of natural circulation.

Therefore, reducing the St. Lucie Unit 2 Technical Specification limit for SIT minimum nitrogen cover pressure from 570 psig to 500 psig does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any previously evaluated.

There are no additional failure modes for the SITs due to reducing the nitrogen cover pressure from 570 psig to 500 psig. The SITs are passive systems and have no effect on the RCS until after the depressurization of the RCS due to a LOCA.

Therefore, reducing the St. Lucie Unit 2 Technical Specification limit for SIT minimum nitrogen cover pressure from 570 psig to 500 psig does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Use of modified specification would not involve a significant reduction in a margin of safety.

The SBLOCA analysis with the SIT pressure of 500 psig satisfies the criteria of 10 CFR 50.46 and remains bounded by the LBLOCA analysis of record. The LBLOCA analysis was performed assuming [an] SIT pressure of 200 psig. Review of the SBO analysis with the SIT pressure of 500 psig demonstrates that the original conclusions, presented in UFSAR § 15.10.5, have not been adversely affected.

Therefore, reducing the St. Lucie Unit 2 Technical Specification limit for SIT minimum nitrogen cover pressure from [570]

psig does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 4, 1992, the licensee may file a request for hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Request for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the



Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a

supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the *Federal Register* a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-

6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page of this *Federal Register* notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 1.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 21, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003.

Dated at Rockville, Maryland, this 29th day of April 1992.

For The Nuclear Regulatory Commission.

**L. Raghavan,**

*Acting Project Manager, Project Directorate II-2, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 92-10417 Filed 5-4-92; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30649; File No. SR-DTC-92-08]

### Self-Regulatory Organizations; The Depository Trust Company; Filing and Order Granting Accelerated Approval on a Temporary Basis of Proposed Rule Change Relating to Implementation of Commercial Paper Program

April 29, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 16, 1992, The



Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice and order granting accelerated approval, on a temporary basis until July 31, 1992, to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

DTC's proposed rule change would permit, until July 31, 1992, DTC's Same Day Funds Settlement ("SDFS") service to include commercial paper ("CP") transactions as well as allow incorporation of families of accounts, valued pledges, and a \$400 million fixed cap on the portion of each Participant's required and voluntary contributions to the Participants Fund that are allocated to the SDFS service ("SDFS fund").

#### **II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change**

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

##### **a. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

(a) On October 3, 1990, the commission approved, on a temporary basis until April 3, 1992, a proposed rule change partially implementing DTC's Commercial Paper ("CP") program in DTC's SDFS service. That proposal provided for families of accounts, valued pledges, and a \$400 million fixed cap on the SDFS fund.<sup>1</sup> Thereafter, the Commission approved, on a temporary basis until April 30, 1992, two proposed rule changes, filed by DTC, one implementing<sup>2</sup> and the other

modifying<sup>3</sup> the CP program in the SDFS service. Recently, on February 10, 1992, DTC filed a proposed rule change requesting that the Commission make permanent DTC's CP program and the related provisions to the SDFS procedures.<sup>4</sup> In order to assure that the Commission has additional time to consider information provided by DTC concerning the operation of the CP program, DTC requests that the Commission extend the current temporary approval of all of the above mentioned rule changes through July 31, 1992.

(b) DTC believes the proposed rule change is consistent with the requirements of section 17A of the Act in that it promotes the prompt and accurate clearance and settlement of transactions in securities that settle in same-day funds.

##### **B. Self-Regulatory Organization's Statement on Burden on Competition**

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

##### **C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others**

No comments on this proposed rule change were solicited, and none have been received.

##### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Commission believes that the proposal is consistent with section 17A of the Act and specifically with section 17A(b)(3)(F) of the Act.<sup>5</sup> That section requires the rules of a clearing agency to be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which the clearing agency is responsible. The proposal will reduce the costs and inefficiencies associated with the physical clearance and settlement of CP transactions. The families of accounts, valued pledges, and \$400 million fixed cap on the SDFS fund will facilitate the flow of CP transactions processing through the SDFS system and reduce the potential liquidity burdens without significantly increasing DTC's risk exposure. By

approving the proposed rule change on a temporary basis through July 31, 1992, DTC, the Commission, and other interested parties will be able to assess further, prior to permanent Commission approval, the policies proposed by this rule change.

DTC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in the Federal Register. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in the Federal Register because the Commission believes it desirable that the proposed rule change be approved before the expiration of the Commission's previous orders that temporarily approved these changes to the SDFS system. By approving this proposed rule change on a temporary basis, until July 31, 1992, the SDFS service, including the CP program may continue to operate while the Commission assesses further the proposed rule change requesting permanent approval of certain aspects of the SDFS service, including the CP program.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SRDTC-92-08 and should be submitted by May 26, 1992.

#### **V. Conclusion**

For the reasons stated above, the Commission finds that DTC's proposed rule change is consistent with sections 17A of the Act.

<sup>1</sup> See Securities Exchange Act Release No. 28515 (October 3, 1990), 55 FR 41401. See Securities Exchange Act Release No. 30555 (April 3, 1992), 57 FR 12533 (approving these SDFS revisions through April 30, 1992).

<sup>2</sup> See Securities Exchange Act Release No. 28518 (October 5, 1990), 55 FR 42114.

<sup>3</sup> See Securities Exchange Act Release No. 29604 (August 23, 1991), 56 FR 43046 (modifying the formula by which DTC calculates adjustable net debit caps).

<sup>4</sup> See Securities Exchange Act Release No. 40410 (February 25, 1992), 57 FR 7828.

<sup>5</sup> 15 U.S.C. 78q-1(b)(3)(F) (1988).



*It is Therefore Ordered*, Pursuant to section 19(b)(2) of the Act,<sup>6</sup> that the proposed rule change (File No. SR-DTC-92-08) be, and hereby is, approved on a temporary basis until July 31, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-10433 Filed 5-4-92; 8:45 am

BILLING CODE: 8010-01-M

[Rel. No. IC-18684; 812-7865]

**Merrill Lynch Balanced Fund of Investment and Retirement, et al.; Notice of Application**

April 28, 1992.

*Agency:* Securities and Exchange Commission ("SEC").

*Action:* Notice of Application for Exemption Under the Investment Company Act of 1940 (the "Act").

*Applicants:* Merrill Lynch Balanced Fund for Investment and Retirement, Merrill Lynch Basic Value Fund, Inc., Merrill Lynch California Municipal Series Trust, Merrill Lynch Capital Fund, Inc., Merrill Lynch Corporate Bond Fund, Inc., Merrill Lynch EuroFund, Merrill Lynch Fund For Tomorrow, Inc., Merrill Lynch Global Allocation Fund, Inc., Merrill Lynch Global Bond Fund for Investment and Retirement, Merrill Lynch Global Convertible Fund, Inc., Merrill Lynch Growth Fund for Investment and Retirement, Merrill Lynch International Holdings, Inc., Merrill Lynch Latin America Fund, Inc., Merrill Lynch Multi-State Limited Maturity Municipal Series Trust, Merrill Lynch Multi-State Municipal Series Trust, Merrill Lynch Municipal Bond Fund, Inc., Merrill Lynch Municipal Series Trust, Merrill Lynch Natural Resources Trust, Merrill Lynch Pacific Fund, Inc., Merrill Lynch Phoenix Fund Inc., Merrill Lynch Special Value Fund, Inc., Merrill Lynch Strategic Dividend Fund, Merrill Lynch Technology Fund, Inc., Sci/Tech Holdings, Inc., and each future open-end management investment company to operate pursuant to the terms of the Original Order (as defined below) as hereby sought to be amended (the "Funds"), Merrill Lynch Investment Management, Inc., (doing business as Merrill Lynch Asset Management) ("MLAM") and Fund Asset Management, Inc. ("FAMI") (together, the "Advisers"), and Merrill Lynch Funds Distributor, Inc. ("Distributor").

*Relevant Act Sections:* Order requested pursuant to section 6(c) of the Act to amend a previous order which granted applicants exemptive relief from sections 18(f), 18(g), and 18(i) of the Act.

*Summary of Application:* Applicants seek an order pursuant to section 6(c) of the Act to amend a previous order by deleting a requirement that the Directors/Trustees of the Funds divide their purchases of a Fund's shares evenly between the two classes of shares offered by a Fund.

*Filing Date:* The application was filed on February 10, 1992, and amended on April 22, 1992.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 26, 1992, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

*Addresses:* Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, Box 9011, Princeton, New Jersey 08543-9011.

*For Further Information Contact:* C. David Messman, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

*Supplementary Information:* The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

*Applicants' Representations:* 1. Each of the existing Funds is organized as an open-end management investment company registered under the Act. Each existing Fund has entered into, and each future Fund will enter into, an investment advisory or management agreement with one of the Advisers and a distribution agreement with the Distributor. MLAM, a wholly-owned subsidiary of Merrill Lynch & Co., Inc., and FAMI, a wholly-owned subsidiary of MLAM, are registered as investment advisers under the Investment Advisers Act of 1940. The Distributor, a wholly-owned subsidiary of MLAM, is registered as a broker-dealer under the Securities Exchange Act of 1934.

2. In the Fourth Amended and Restated Application filed with the

Commission on June 29, 1988 (the "Original Application"), applicants requested an order pursuant to section 6(c) of the Act granting, among other things, an exemption from sections 18(f), 18(g), and 18(i) thereof permitting the Funds to implement a new method of offering their shares to the public (the "Dual Distribution System"). A notice of the filing of the Original Application was issued on July 28, 1988 (Investment Company Act Release No. 16503), and an order permitting implementation of the Dual Distribution System was issued on August 23, 1988 (Investment Company Act Release No. 16535) (the "Original Order"). In the Amended and Restated Application filed with the Commission on February 8, 1991 (the "Subsequent Application"), certain of the parties to the Original Application requested an order pursuant to section 6(c) of the Act to amend the Original Order to modify certain aspects of the Dual Distribution System. A notice of the filing of the Subsequent Application was issued on February 22, 1991 (Investment Company Act Release No. 18015), and an order amending the Original Order and modifying certain aspects of the Dual Distribution System was issued on March 22, 1991 (Investment Company Act Release No. 18059) (the "Subsequent Order").

3. Pursuant to the Dual Distribution System, the Funds may offer two classes of shares: (i) Class A shares that are subject to a conventional front-end sales load, and (ii) Class B shares that are subject to a contingent deferred sales charge and a distribution plan adopted pursuant to rule 12b-1 under the Act. In addition, those Funds that offer or will offer their shares pursuant to the terms of the Subsequent Order assess on Class A shares an account maintenance fee pursuant to rule 12b-a under the Act.

4. Applicants agreed to fourteen separate conditions in connection with the Original Order. The eleventh condition (the "Equal Purchase Condition") provides as follows: "All purchases of shares of the Funds by the Directors/Trustees made after the issuance of a second class of shares has been authorized will be equally divided between the two classes. Over time the actual holdings of the two classes of these newly purchased shares will differ to a minor if a Director/Trustee elects to have dividends reinvested."

5. Applicants believe that the Equal Purchase Condition is unnecessary and that the evolution of the Commission's response to similar applications for orders permitting more than one class of shares within the same open-end management investment company

<sup>6</sup>15 U.S.C. 78s(b)(2) (1988).



portfolio supports relieving applicants of this condition. After the Original Order was granted, the Commission received numerous similar applications from other applicants. At first, the Commission required those applicants to agree to the Equal Purchase Condition. However, none of the orders granted by the Commission after April 1990 are subject to the Equal Purchase Condition. Applicants maintain that it is unnecessary to continue to impose on them the burden of compliance with a condition not imposed on others who are similarly situated.

6. In light of the foregoing, applicants request an order of the Commission relieving them of the Equal Purchase Condition.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-10432 Filed 5-4-92; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### Region VII Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, will hold a public meeting from 9 a.m. to 1 p.m. of Friday, May 22, 1992, in the Kansas City District Office Training Room, Lucas Place, 323 W. 8th Street, suite 501, Kansas City, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. John Holtke, Advisory Board Chairperson, United Kansas Bank, 8600 Shawnee Mission Parkway, P.O. Box 638, Merriam, Kansas 66202, (913) 362-5500, or Ms. JoAnn VanVechten, Acting District Director, U.S. Small Business Administration, Lucas Place, 323 West 8th Street, suite 501, Kansas City, Missouri 64105, (816) 374-6760.

Dated: April 27, 1992.

Caroline J. Beeson,  
Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-10419 Filed 5-5-92; 8:45 am]

BILLING CODE 8025-01-M

### Region V Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region V Advisory

Council, located in the geographical area of Madison, will hold a public meeting from 9 a.m. on Friday, May 15, 1992, at the Italian Community Center, Milwaukee, Wisconsin, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. C.A. Carter, District Director, U.S. Small Business Administration, 212 E. Washington Avenue, room 213, Madison, Wisconsin 53703, (608) 264-5205.

Dated: April 30, 1992.

Caroline J. Beeson,  
Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-10420 Filed 5-4-92; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

### [Public Notice 1622]

### Advisory Committee on Historical Diplomatic Documentation; Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet May 14 and 15, 1992, at 9:30 a.m. in the Department of State.

The Committee, which was established by Public Law 102-138, section 198 of October 28, 1991, advises the Department of State on matters concerning the preparation, declassification, and publication of the Foreign Relations of the United States historical documentary series. The Committee also reviews procedures for the Department's declassification review of documents older than 30 years and their transfer to the National Archives and Records Administration for public inspection.

The full committee will meet in open session from 9:30 a.m. on the morning of Thursday, May 14, 1992, until noon of that day, in room 3519, Main State. The remainder of the Committee's sessions, until the end of this session on Friday, May 15, at 4 p.m., including several subcommittee meetings on May 13, will be closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). It has been determined that discussions during these portions of the meeting will involve consideration of matters not subject to public disclosure under 5 U.S.C. 552(c)(1), and that the public interest requires that such activities will be withheld from disclosure.

Questions concerning the meeting should be directed to William Z. Slany,

Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663-1123.

Dated: April 29, 1992.

William Z. Slany,  
Executive Secretary.

[FR Doc. 92-10447 Filed 5-4-92; 8:45 am]

BILLING CODE 4710-11-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Dockets 46564 and 48007]

### Applications of Ryan International Airlines, Inc. for Amendment of its Certificate Authority and Issuance of New Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 92-4-52).

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order (1) finding Ryan International Airlines, Inc., fit, willing, and able, and (2) awarding it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation of persons, property, and mail, as well as removing certain operating restrictions contained in the carrier's current certificate authority.

**DATES:** Persons wishing to file objections should do so no later than May 13, 1992.

**ADDRESSES:** Objections and answers to objections should be filed in Dockets 46564 and 48007 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590 and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Ms. Delores King or Ms. Janet Davis, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington DC 20590, (202) 368-9721.

**DATED:** April 28, 1992.

Patrick V. Murphy, Jr.,  
Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-10390 Filed 5-4-92; 8:45 am]

BILLING CODE 4910-62-M



[Docket 48130; Order 92-4-53]

### Defining "Open Skies"; Order Requesting Comments

Issued by the Department of Transportation on the 29th day of April 1992.

#### Summary

By this order we are requesting comments on how we should define "open skies" in the context of a new Department initiative to negotiate open skies agreements with European countries.

#### Background and Objectives

On March 31, 1992, Secretary of Transportation Andrew H. Card, Jr. announced that "we will now offer to negotiate open skies agreements with all European countries willing to permit U.S. carriers essentially free access to their markets." The Secretary referred to steps that the Bush Administration has already taken to advance the cause of more open international aviation markets. He described his open skies initiative as designed to stimulate interest in creating an even more market-oriented international aviation environment. He added that "while these discussions were at present being confined to Europe—since Europe is moving toward the free flow of passengers and goods, . . . we hope that other regions of the world will soon be ready to join us in similar talks." Finally, he said that as an initial step, we must first carefully define an "open skies regime." By this order, we are requesting comments for that purpose. Our initiative is designed to establish a framework which will allow both U.S. and foreign carriers the greatest flexibility to conduct their business without undue government intervention, benefitting the travelling and shipping public to an extent that is not possible under traditional bilateral arrangements. The proposed framework would liberalize, to the maximum extent, the aviation markets between and beyond the U.S. and Europe.

#### Open Skies Criteria

These are the basic elements which we believe should be encompassed in the open skies regime:<sup>1,2</sup>

<sup>1</sup> Of course, an open skies agreement would include model provisions on safety and security.

<sup>2</sup> In the event that these criteria were satisfied and we concluded an open skies agreement, we anticipate that we would regard our European partner as having with us the type of "liberalized aviation relationship" referred to in Order 91-1-41, meaning that the carriers of that partner could take advantage of the revised policy on foreign ownership of U.S. carriers that we set forth in that order.

- (1) Open entry on all routes;
- (2) Unrestricted capacity and frequency on all routes;
- (3) Unrestricted route and traffic rights, that is, the right to operate service between any point in the United States and any point in the European country, including no restrictions as to intermediate and beyond points, change of gauge, routing flexibility, coterminization, or the right to carry Fifth Freedom traffic;
- (4) Double-disapproval pricing in Third and Fourth Freedom markets, and price leadership in third country markets to the extent that the Third and Fourth Freedom carriers in those markets have it;
- (5) Liberal charter arrangement (the least restrictive charter regulations of the two governments would apply, regardless of the origin of the flight);<sup>3</sup>
- (6) Liberal cargo regime (criteria as comprehensive as those defined for the combination carriers);
- (7) Conversion and remittance arrangement (carriers would be able to convert earnings and remit in hard currency promptly and without restriction);
- (8) Open code-sharing opportunities;
- (9) Self-handling provisions (right of a carrier to perform/control its airport functions going to support its operations);
- (10) Procompetitive provisions on commercial opportunities, user charges, fair competition and intermodal rights; and
- (11) Explicit commitment for nondiscriminatory operation of and access for computer reservation systems.

We would naturally expect that our determination in any given case of whether the criteria had been met would always be subject to public interest considerations, including factors in an individual case that could seriously affect the ability of U.S. carriers to utilize the benefits of an open skies agreement, such as access to key airports.

We would be interested in comments on this list, as well as additions or deletions. Commenters should fully support their views with discussion of how their suggestions would further the Secretary's stated goals for this initiative, or otherwise further the public interest.

We ask that interested parties frame their comments to address the concepts at issue in an open skies regime rather

<sup>3</sup> As is the case in our most liberal current charter regimes, each side would be free to require consumer protection provisions on charter operations originating in its territory.

than providing model language for an open skies agreement, as we anticipate that the language of such agreements might well differ from case to case.

We appreciate that our proposal represents a significant step that deserves to be seriously considered and thoroughly discussed. To that end, we request interested parties to submit comments in the docket within 30 days from the service date of this order. Any reply comments must be filed within 15 days after that date.

After reviewing the comments we receive, we will issue an order finalizing the provisions which will constitute our definition of "open skies" for purposes of the Secretary's initiative. At that point, we will begin negotiations leading to open skies aviation agreements.

Accordingly, 1. We request comments from interested parties addressing the topic above within 30 days of the service date of this order; reply comments will be due within 15 days after that date;

2. We will serve this order on all certificated air carriers; all foreign air carriers; the Airline Pilots Association, International (ALPA); U.S. Airports for Better International Air Service (USA-BIAS); Airports Association Council International (AACI); National Air Carrier Association; the U.S. Customs Service; the U.S. Immigration and Naturalization Service; the Animal and Plant Health Inspection Service; the Antitrust Division of the Department of Justice; the Department of State (Office of Aviation); and the Federal Aviation Administration (AFS-200); and

3. We will publish a copy of this order in the *Federal Register*.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-10389 Filed 5-4-92; 8:45 am]

BILLING CODE 4910-62-M

#### National Highway Traffic Safety Administration

#### Discretionary Cooperative Agreements to Support Studies of Safety Belt and Motorcycle Helmet Use Benefits

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of discretionary cooperative agreements to support studies to determine the benefits of safety belt and motorcycle helmet use in motor vehicle crashes.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA)



announces a discretionary cooperative agreement program to support studies to determine the benefits of safety belt and motorcycle helmet use in motor vehicle crashes and solicits applications for projects under this program. Project studies under this program will obtain information by linking existing state traffic records systems with other existing medical outcome and charge and reimbursement data. The linked records systems, or CODES (Crash Outcome Data Evaluation Systems), will be used to evaluate the impact of safety belt and motorcycle helmet utilization on crash outcome. Project studies will involve statewide, population-based data for a twelve month period after January 1, 1990, so that crash victims can be traced via computer from the scene through disposition/final recovery. Project studies must be completed by April 1, 1994, to meet a Congressional mandate for a report on the benefits of safety belt and motorcycle helmet use. The analyses and the crash outcome data base resulting from these project studies will form the basis of NHTSA's report to Congress.

**DATES:** Applications must be received at the office designated below on or before 2 p.m., July 15, 1992.

**ADDRESSES:** Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD-30), ATTN: Alberta Jones, 400 7th Street, SW., room 5301, Washington, DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22-92-Y-07329. Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

**FOR FURTHER INFORMATION CONTACT:** General administrative questions may be directed to Alberta Jones, Office of Contracts and Procurement, at (202) 366-9566. Programmatic questions relating to this cooperative agreement program should be directed to Mr. Chuck Venturi, Highway Safety Management Specialist, NHTSA, room 8125 (NRD-31) 400 7th Street SW., Washington, DC, 20590; (202) 366-4709.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Congress has directed the Secretary of Transportation, through the Intermodal Surface Transportation Efficiency Act, to carry out studies to determine the benefits of safety belt and motorcycle helmet use. The Act requires a report of findings to be submitted to Congress 40 months after funds have been made

available by the Secretary for these studies.

The development of hospital-based trauma registries has provided a source of data to describe the medical outcome for serious crash injuries. Few of the registries have been linked directly to crash data to evaluate outcome in relation to specific vehicle and crash characteristics. Few of the registries have been expanded to include crash victims with injuries not admitted to a hospital or those treated in non-hospital based settings. Although a trauma registry is useful to support hospital medical risk management activities for some serious injuries, it does not provide information about the occupants who are not injured or who suffer only minor injuries in a crash.

Population-based, computerized statewide data describing all crash victims are available only from the States. Mortality data related to crash injuries are available from statewide death certificate data systems in addition to the Fatal Accident Reporting System funded by NHTSA. Short-term morbidity data related to crash injuries are available from statewide hospital discharge data systems. In addition, although emergency department data are rarely computerized statewide, some states have developed statewide data bases for emergency medical services, ambulatory, and long term care.

Charges are incurred as a consequence of crash injuries during the pre-hospital phase for the EMS response, care, and transportation, at the hospital for outpatient and inpatient care, and after discharge for rehabilitative and long term care. In addition, there may be charges associated with residual disabilities and the need for non-medical support for long-term morbidity. Information describing these medical and non-medical charges often exist on separate federal and state claims systems. These systems include those operated by Medicare, Medicaid, CHAMPUS, state worker compensation or disability programs, Social Security Disability, Supplemental Security Income, and other programs. Other sources of data are available to document the level of actual reimbursement received for the various charges. Data from all of the systems, if linked, would provide information about the crash victim from the scene to final disposition or recovery. This information can provide a basis for evaluating the use or non-use of protective devices and their impact on medical and non-medical charges and reimbursements.

##### **Objective**

1. Obtain data needed for the benefit assessment of safety belt and motorcycle helmet use for any twelve month period after January 1, 1990.

2. Evaluate the impact of safety belt and motorcycle helmet utilization by occupants (injured and non-injured) of vehicles involved in crashes.

##### **General Project Study Requirements**

1. Data linkage and processing activities.

A. Develop statewide Crash Outcome Data Evaluation Systems (CODES) that include outcome information for all persons involved in crashes, regardless of injury. The data sources used shall provide sufficient direct and/or a combination of indirect identifiers (name social security number, record numbers, age, date of birth, sex, geographic location code, date of occurrence, etc.) to link crash data to the appropriate victim specific medical and non-medical data. The CODES shall provide access to at least the following data as appropriate for each occupant in the crash:

- (1) Crash characteristics.
- (2) Geographic code for the location of the crash which links to census data.
- (3) Vehicle identification number and other vehicle characteristics.
- (4) Documentation of position in vehicle (driver, front seat passenger, etc.).
- (5) Type, body area, severity, and inpatient length of stay for crash injury, if any.
- (6) Description of response by EMS, if any.
- (7) Description of treatment and disposition from the emergency department, if any.
- (8) At least 5 hospital discharge diagnoses, if admitted as an inpatient.
- (9) Outpatient (emergency department, physicians' office, etc.), inpatient, rehabilitative, long term care treatment and disposition, if any.
- (10) Total charges and actual reimbursement for each phase of medical care (institutional, professional, etc.), if any.
- (11) Total charges and actual reimbursement for non-medical support, if victim experiences long-term morbidity after injury.
- (12) Primary and secondary payers for all health care charges, if injured.

b. Implement a probabilistic linkage methodology to facilitate tracing the crash victim from the scene to final disposition/recovery using existing statewide, population-based data bases.



c. When necessary, review and computerize medical data for outpatient, rehabilitative or long term care provided outside of the inpatient setting.

d. When necessary, review and computerize the total charges and actual reimbursements associated with the outpatient, inpatient, and other medical care provided to each crash injury included in the study.

e. When necessary, conduct supplementary studies to obtain information about the medical care provided outside of the acute care inpatient setting and the actual expenditures for this care.

2. Evaluation activities. Analyze data to evaluate the use of safety belts and motorcycle helmets by occupants (injured and non-injured) involved in crashes and the impact of these safety measures on:

a. Injury type, body area, and severity;

b. The acute, rehabilitative, and long-term care consequences at six and twelve months after the injury;

c. The total charges and actual reimbursements, related to pay source, for the crash injury from onset to recovery/disposition; and

d. The mortality and morbidity outcomes.

3. Planning and coordination activities.

a. Establish a statewide CODES advisory committee to include representatives of the owners of the highway safety related data bases (crash, EMS, hospital, death certificates, ambulatory, rehabilitative, long term care, claims, etc.), users of such data bases, and other parties interested in the crash outcomes of highway safety. The CODES advisory committee shall serve to support the activities of the grantee and ensure that data linkage and evaluation activities are appropriately coordinated within the State. The CODES advisory committee will review the results of the data linkage, evaluate the usefulness of various output formats for decision makers, and discuss recommendations for improving the data bases for future data linkage; review the results of the impact analyses for safety belt and motorcycle helmet utilization; discuss recommendations for and review the results of analyses proposed by the members of the group; and discuss common issues related to data accessibility, availability, completeness, quality, confidentiality, transfer, ownership, fee for service, management, etc. The CODES advisory committee will meet quarterly. One month prior to each scheduled quarterly meeting, the grantee shall provide NHTSA with a draft agenda. The minutes from each quarterly meeting will be provided with

the progress report for that month during which the meeting was held.

b. Briefing Meeting. When scheduled, immediately after award, each grantee shall attend a briefing meeting in Washington, DC with NHTSA staff to review the goals and objectives of the project, discuss implementation of the linkage software, review the requirements for the action plan for the data linkage and the evaluation analyses, and discuss the advisory committee agendas.

c. Detailed Action Plans and Schedules. Within 30 days after the briefing meeting, the grantee shall deliver detailed action plans and schedules for accomplishing the data linkage and for conducting the evaluation analyses. These action plans shall be subject to the technical direction, and approval, of NHTSA.

d. Technology Transfer Workshops. When scheduled after award, all grantees shall attend two technology transfer workshops in Washington, DC during project performance to share their experiences, review study results, and resolve common problems related to data linkage and the analyses.

#### NHTSA Involvement

NHTSA will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide a Contracting Officer's Technical Representative (COTR) to participate in the planning and management of the cooperative agreement and coordinate activities between the grantees and NHTSA.

2. Provide technical assistance to grantees to ensure the effectiveness of the data linkage and the adequacy of the data elements to conduct the project studies.

3. Provide data linkage software, training, and technical assistance to ensure that all grantees link their statewide data using a uniform methodology.

4. Provide, if necessary and at no cost to the grantee, a data linkage expert for up to three weeks on-site and unlimited time off-site during the project to evaluate the various options for blocking and matching variables, to define values for matched and unmatched records, to implement the clerical review process, and to evaluate the unmatched data.

5. Collaborate with each of the grantees to develop a uniform format for reporting the CODES data base without patient identifiers to NHTSA for further analyses.

6. Provide, if necessary and at no cost to the grantee, analytical expertise from

available NHTSA personnel to assist in the completion of the proposed analyses.

7. Agree to accept the CODES data base with limited rights, as defined in the NHTSA General Provisions for Assistance Agreements, and protect it from release in the public domain.

#### Period of Support

The project study effort described in this announcement will be supported through the award of up to six (6) cooperative agreements, depending upon the merit of the applications received and the availability of funding. It is anticipated that individual award amounts, based upon demonstrated need, may range between \$400,000 and \$900,000. This stated range does not establish minimum or maximum funding levels. It is recognized that the financial assistance required by grantees may vary significantly depending upon existing data resources and processing capabilities and those required to meet the project objectives. Project efforts involving the results of the analyses and the CODES data base must be completed by April 1, 1994.

#### Allowable Uses of Federal Funds

1. For general project study requirements, the following cost items are considered to be allowable uses of Federal funds:

a. Costs of personnel resources necessary to perform project management activities, data linkage and processing activities, evaluation activities, and reporting requirements. Such activities may be performed by personnel of the grantee, as well as personnel resources obtained through subgrants and subcontracts.

b. Costs of dedicated computer resources (microcomputer(s), work station, etc.) sufficient to implement the linkage software and process the expected volume of data within a reasonable time frame. These resources must be dedicated for the data linkage and for maintaining the linked data so that the highway safety and the medical communities have easy access to these resources to promote highway safety objectives during and after the project.

c. Costs to obtain missing data and/or to expedite the computerization of statewide data for the chosen study period.

d. Costs, if necessary, to purchase access to statewide computerized crash, EMS, outpatient, inpatient, rehabilitative, long term care, death certificate, census, claims, non-medical support and other data bases.



e. Costs to perform additional edits and logic checks on the data bases to be linked to facilitate and evaluate the data linkage. Specifically these edits will address data accuracy problems such as (1) "motor vehicle occupants wearing helmets" or "motorcyclists wearing safety belts," (2) out of sequence military times for time of crash, time of report to police and/or time of arrival by police at the scene, (3) county town codes in areas not served by the responding police and/or EMS unit, (4) ages inconsistent with date of birth, (5) hospital destinations inconsistent with the location of the crash, and (6) duplicate and unsure matches.

f. Costs of conduct follow-up or follow-back studies to obtain information on sources of payment, to determine the extent to which these sources cover total charges six and twelve months post injury, and to document the strengths and weaknesses of current data systems in providing charge and reimbursement information.

g. Costs to conduct follow-up or follow-back studies to obtain information on morbidity outcomes for a sample or injuries included in the linked data, including for this sample all medical treatment provided outside of the acute care inpatient setting (outpatient care, long term care, and rehabilitative services) for a period of six and twelve months post injury.

h. Costs to convene the statewide advisory committee within each State on a quarterly basis.

i. Costs to generate a copy of the CODES data base without identifiers for transfer to NHTSA in an acceptable electronic media and format.

2. In addition to the general project study requirements, grantees may request and may receive additional funds for the following special study areas:

a. A study to evaluate the impact of missing/inaccurate data on the usefulness of linked data for the intended analyses, and to assist in the development of data verification guidelines for future data linkage projects.

b. A study to provide additional morbidity data as part of a test for a morbidity measurement protocol being developed by NHTSA.

#### Eligibility Requirements

To be eligible to participate in this cooperative agreement program, an applicant must be a state agency, an educational institution, or a non-profit organization. The project studies will require extensive collaboration among each of these various organizations within a State in order to achieve the

program objectives. It is envisioned that during the pre-application process, these various organizations will designate one organization to prepare and submit the formal application. It is anticipated that only one application will be submitted for an individual State.

While the general eligibility requirements are broad, applicants are advised that this cooperative agreement program is not designed to support basic developmental efforts. While no single organization within any State has all of the required data capabilities, as a practical matter, funding limitations and performance time constraints will create advantages for applicants among those States that have most of the required data and the potential of meeting the program objectives with the financial and technical assistance available from NHTSA.

#### Application Procedure

Each applicant must submit one original and two copies of the application package to: NHTSA, Office of Contracts and Procurement (NAD-30), ATTN: Alberta Jones, 400 7th Street, SW., room 5301, Washington, DC 20590. Submission of four additional copies will expedite processing, but is not required. Applications must be typed on one side of the page only. Applications must include a reference to NHTSA Cooperative Agreement Program No. DTNH22-92-Y-07329. Only complete application packages received on or before 2 p.m., July 15, 1992, will be considered.

#### Application Content

1. The application package must be submitted with OMB Standard Form 424 (Rev. 4-88, including 424A and 424B), Application for Federal Assistance, with the required information filled in and certified assurances signed. While the Form 424A deals with budget information, and Section B identifies Budget Categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed total costs. A supplemental sheet shall be provided which presents a detailed breakdown of the proposed costs, as well as any costs which the applicant indicates will be contributed locally in support of this project study. The costs proposed to meet the general project study requirements shall be separated from any costs proposed to conduct the special studies; if both special studies are proposed, a separate budget shall be submitted for each. Applicants shall assume that awards will be made by September 15, 1992, and should prepare their applications accordingly.

2. The application shall include a program narrative statement which addresses the following:

a. General description of the State in terms of its population density, a short summary of the status of safety belt/helmet legislation in the state, the estimated safety belt/motorcycle helmet utilization rates for the state, the total crash occupants and total crash injuries by severity level (K,A,B,C or other) for passenger vehicles and for motorcycles;

b. A brief description of the existing statewide data sources and data bases for any twelve month study period after January 1, 1990, indicating any portion which has not been computerized, and the plan for computerizing this data in a timely manner. Such data sources and data bases identified shall include:

(1) Statewide crash data on all police reported crashes regardless of whether an injury occurred.

(2) Statewide EMS report, hospital discharge, and death certificate data.

(3) Emergency department data, either as part of a statewide emergency department data system, or a trauma registry, for the crash injury victims in the study population who required emergency department care;

(4) Six and twelve month outpatient, rehabilitative and/or long term care follow-up data for each of the crash injury victims in the study population receiving this type of care;

(5) Information about total charges and actual reimbursement for each crash victim in the study population receiving treatment at the scene through to disposition/final recovery.

c. A brief description of the proposed plan for developing and accomplishing the linked records systems (CODES), including proposed personnel. The proposed plan shall identify the existing statewide data bases to be linked and a copy of the file structure for each. As appropriate, the extent to which NHTSA will be expected to provide the data linkage expert (on-site and off-site) shall be indicated.

d. A brief description of the proposed plan for conducting the evaluation analyses, including proposed personnel. The proposed plan shall include a description of how the crash involved population will be defined and how this population will be identified on the applicant's crash data system. As appropriate, the extent to which NHTSA will be expected to provide analytical expertise shall be indicated.

e. A brief description of the proposed CODES advisory committee, and the proposed arrangements describing who will own, control and manage the CODES. A proposed data rights use/



release agreement between the applicant and the participating owners of the data shall be included. As an appendix to the application, letters of support shall be included from the various participating highway safety and medical organizations interested in crash outcomes including but not limited to public safety, EMS, health associations (hospital, medical, nursing), professional organizations (ACEP, ACS), state health department, state health data organization, etc. Such letters shall indicate the organization's interest in using linking data for analytical purposes, and agreement to provide a representative as a member of the CODES advisory committee and, if applicable, to release its data for linkage and transfer to NHTSA. This information is necessary to ensure that the applicant has authorized access to the necessary statewide data sources and data bases, and the support necessary to resolve operational issues related to confidentiality, accessibility, availability, ownership, publication rights, routine output, etc.

f. A list of activities in chronological order, or a Gantt chart, to show the expected schedule of accomplishments and their target dates.

g. In addition to the general project study requirements, interested applicants may, but are not required to, submit as a part of their program narrative statement any proposed efforts involving one or both of the following special study areas:

(1) A study to evaluate the impact of missing/inaccurate data on the usefulness of linked data for the intended analyses, and to assist in the development of data verification guidelines for future data linkage projects.

(2) A study to provide additional morbidity data as part of a test for a morbidity measurement protocol being developed by NHTSA.

3. The application shall identify the proposed project manager, proposed key personnel for the data linkage and evaluation analyses efforts, and other proposed personnel considered critical to the successful accomplishment of this project study, including a brief description of their qualifications and respective organizational responsibilities. The proposed level of their effort in performing the various activities shall also be identified.

4. The application shall include a brief description of the applicant's organizational experience in performing similar or related efforts, including a description of the previous effort, the sponsoring agency, and the results. If applicable, such information shall also

be provided for all subgrantees and subcontractors proposed to work on this project study.

#### **Application Review Process and Evaluation Factors**

Initially, all application packages will be reviewed to confirm that the applicant is an eligible recipient and to ensure that the application contains all of the items specified in the Application Contents section of this announcement.

Each complete application from an eligible recipient will then be evaluated by an Evaluation Committee. The applications will be evaluated using the following criteria which are listed in descending order of importance:

1. Technical approach for project completion. The reasonableness and feasibility of the applicant's approach for successfully achieving the objectives of the project study within the required time frame. The appropriateness and realism of the applicant's proposed plans for data linkage and evaluation analyses. Evidence that the applicant has the necessary authorization and support from data owners to access, abstract and computerize medical and non-medical data, particularly total charges and actual reimbursements, which are not routinely available for highway safety analyses.

2. Project personnel. The adequacy of the proposed personnel (including subgrantee and subcontractor personnel) to successfully perform the project study, including qualifications and experience (both general and project related), the various disciplines represented, and the relative level of effort proposed for the professional, technical and support staff.

3. Understanding the intent of the program. The recognition by the applicant of the importance of CODES, as the basis of a system's approach to trace the crash victim from the scene to final disposition/recovery, and as a source of data indicating emergency department treatment and disposition, total charges and actual reimbursements, six and twelve month follow-up injury outcome data, etc., which are necessary for a comprehensive evaluation of the impact of safety belt and motorcycle helmets. The understanding by the applicant of the importance of developing CODES, as a meaningful and appropriate strategy for improving state traffic records capabilities, in terms of current and future applications and of ensuring its continuation after completion of this project study.

4. Organizational capabilities. The adequacy of organizational resources and experience to successfully manage

and perform this project study. The proposed coordination with and use of other organizational support and resources, including other sources of financial support. The "cost/benefit" potential of the proposed project study will be considered.

Depending upon the results of the evaluation process, NHTSA may choose to alter the number of awards. In addition, NHTSA may suggest revisions to applications as a condition of further consideration to ensure the most efficient and effective performance consistent with the objectives of the project study.

#### **Special Award Selection Factors**

After evaluating all applications received, in the event that insufficient funds are available to award all meritorious applications, NHTSA may consider the following special award factors in the award decision:

1. Priority may be given to an applicant on the basis that its application fits a profile of providing NHTSA with a broad range of population densities (rural through metropolitan), different legislative requirements for safety belt/helmet utilization, and crash types.

2. Priority may be given to an applicant based on the level of commitment by the participating organizations within the State to continue generating linked crash outcome data on a routine basis after the project study is completed.

#### **Terms and Conditions of the Award**

1. Prior to award, each grantee must comply with the certification requirements of 49 CFR part 20, Department of Transportation New Restrictions on Lobbying, and 49 CFR part 29, Department of Transportation government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug Free Workplace (Grants). In addition, grantees must certify that data release agreements have been signed by the appropriate parties to transfer the CODES data base without patient identifiers to NHTSA for internal analyses by NHTSA staff.

2. Reporting requirements and Deliverables: a. Detailed Action Plan and Schedule for Data Linkage. Within 30 days after the briefing meeting, the grantee shall deliver a detailed action plan and schedule for accomplishing the data linkage, showing any revisions to the plan contained in the grantee's application. This detailed action plan will be subject to the technical direction,



and approval, of NHTSA and will describe the following:

(1) The process for obtaining the different types of required data, particularly the data needed for the six and twelve month follow-up studies, and computerizing missing statewide data, if any.

(2) The process for accelerating the state's data processing, if necessary, so that the statewide data are available in a timely manner for the linkage.

(3) The process for verifying the data and performing additional edits on the linkage variables;

(4) The process for determining the blocking and matching variables to be used for linkage;

(5) The problems which are expected during linkage and their proposed solutions;

(6) The process for evaluating the unlinked records;

(7) Limitations of the CODES data base, if any;

(8) The milestones for completing the various phases of the linkage process; and

(9) The resources required to perform the data linkage.

b. Detailed Action Plan and Schedule for Evaluation Analyses. Within 30 days after the briefing meeting, the grantee shall deliver a detailed action plan and schedule for conducting the evaluation analyses, showing any revisions to the plan contained in the grantee's application. This detailed action plan will be subject to the technical direction, and approval, of NHTSA and will include the following:

(1) The process for determining the analyses requirements appropriate to meet the project study objectives;

(2) The literature to be referenced for the analyses;

(3) The process for verifying the quality of the linked data and the potential impact of the unlinked data on the analyses;

(4) The process for obtaining the data necessary for the analyses in a timely manner;

(5) The milestones for completing the various phases of the evaluation analyses, and

(6) The resources required to perform the evaluation analyses.

c. Advisory Committee Meetings. One month prior to each scheduled quarterly meeting, the grantee shall provide NHTSA with a draft agenda. The minutes from each quarterly meeting will be provided with the progress report for that month during which the meeting was held.

d. Monthly Progress Reports. During performance, the grantee will provide letter-type written monthly reports to

the NHTSA COTR. These reports will describe what has been done in the past month; what has been learned about the data linkage process as well as additional information learned relative to completion of the proposed analyses; what commitments have been generated; what followup and support are expected; what opposition has been experienced and what may be needed to overcome the opposition; and what is specifically planned to be accomplished over the next 30-day period. These reports will be submitted seven days after the end of each month period along with reimbursement claims for the period.

e. Final Report. The grantee shall deliver to NHTSA by April 1, 1994, a final report describing the analyses performed, the data linkage process, and the results of the evaluation analyses. The report shall include the following:

(1) A discussion of the limitations of the data linkage and their impact on the analyses.

(2) A description of how the state will continue to monitor the impact of safety belt/helmet utilization for crashes occurring after the project ends.

f. CODES Data Base. The grantee shall deliver to NHTSA by April 1, 1994, the CODES data base without patient identifiers and include the following:

(1) The data base, in an electronic media and format acceptable to NHTSA, including all of the crash data included in the twelve month study population linked to medical outcome and financial information (total charges and actual reimbursements);

(2) A copy of the file structure; and

(3) An analysis of the quality of the data and a description of any data bias which may exist.

3. During the effective performance period of cooperative agreements awarded as a result of this announcement, the agreement, as applicable to the grantee, shall be subject to the National Highway Traffic Safety Administration's General Provisions for Assistance Agreements.

George L. Parker,

Associate Administrator for Research and Development.

[FR Doc. 92-10400 Filed 5-4-92; 8:45 am]

BILLING CODE 4810-59-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 14-92]

### Treasury Notes, Series L-1997

Washington, April 24, 1992.

The Secretary announced on April 23, 1992, that the interest rate on the notes designated Series L-1997, described in Department Circular—Public Debt Series—No. 14-92 dated April 16, 1992, will be 6- $\frac{3}{4}$  percent. Interest on the notes will be payable at the rate of 6- $\frac{3}{4}$  percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92-10385 Filed 5-4-92; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 13-92]

### Treasury Notes, Series Y-1994

Washington, April 23, 1992.

The Secretary announced on April 22, 1992, that the interest rate on the notes designated Series Y-1994, described in Department Circular—Public Debt Series—No. 13-92 dated April 16, 1992, will be 5 $\frac{1}{2}$  percent. Interest on the notes will be payable at the rate of 5 $\frac{1}{2}$  percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92-10381 Filed 5-4-92; 8:45 am]

BILLING CODE 4810-40-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice With Respect To List of Countries Denying Market Opportunities for Government-Funded Construction Projects

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with respect to a list of countries denying market opportunities for U.S. products, suppliers or bidders for government-funded construction projects.

SUMMARY: Pursuant to section 533 of the Airport and Airway Improvement Act of 1982, as amended, the United States Trade Representative ("USTR") has decided not to include any countries at this time on the list of countries that deny market opportunities for products, suppliers or bidders for government-funded construction projects.

DATES: Effective April 28, 1992.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Charles Lake, Deputy Director for Japanese Affairs, (202) 395-5070.

SUPPLEMENTARY INFORMATION: Section 115 of Public Law No. 100-223, the



Airport and Airway Safety and Capacity Expansion Act of 1987, amended the Airport and Airway Improvement Act of 1982 ("Airport Act"), by adding section 533. Section 533(a) provides certain requirements and prohibitions applicable to use of funds from the Airport and Airway Trust Fund. Section 533(b) requires the USTR to make determinations with respect to whether foreign countries deny fair and equitable market opportunities for U.S. products, suppliers or bidders for construction projects of \$500,000 or more that are funded (in whole or in part) by the governments of such foreign countries. Section 533(c) requires the USTR to maintain a list of countries identified under section 533(b) and to publish such list annually in the *Federal Register*.

Section 533(b)(2) specifies that the USTR, in considering which countries to list, shall take into account those foreign countries that are listed in the annual report on foreign trade barriers required under section 181(b) of the Trade Act of 1974, as amended ("Trade Act"), as maintaining barriers to U.S. construction services for certain construction projects. The only foreign country listed in the 1992 report on foreign trade barriers with a section on barriers to government-funded procurements of U.S. construction, architectural and engineering services is Japan.

On July 31, 1991, the Governments of the United States and Japan signed an agreement providing important procedural improvements to the 1988 Major Projects Arrangement, expanding the scope of its coverage, and committing the Government of Japan to take further steps to open its construction market to foreign firms. The agreement resolved a number of important U.S. Government concerns concerning Japanese construction procurement. Issues concerning the effective implementation of the agreement will be discussed at the upcoming annual review under the MPA.

Under these circumstances, I do not now determine that Japan denies fair and equitable market opportunities for U.S. products, suppliers or bidders for construction projects in Japan for the purposes of the Airport Act.

List pursuant to section 533(c) of the Airport Act: none.

Michael H. Moskow,

*United States Trade Representative, Acting.*  
[FR Doc. 92-10462 Filed 5-4-92; 8:45 am]

BILLING CODE 3190-01-M

## UNITED STATES TRADE REPRESENTATIVE

### Notice of Trading Partners Identified as Priority Foreign Countries

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of trading partners identified as priority foreign countries under section 182(a) of the Trade Act of 1974, as amended (Trade Act).

**SUMMARY:** Pursuant to section 182 of the Trade Act, 19 U.S.C. 2242, the United States Trade Representative (USTR) has identified Taiwan, India and Thailand as priority foreign countries.

**EFFECTIVE DATE:** USTR identified these trading partners as priority foreign countries on April 29, 1992.

**ADDRESSES:** Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:** Emery Simon, Deputy Assistant United States Trade Representative for Intellectual Property, (202) 395-6864; Peter Collins, Director for Southeast Asia and Indian Affairs (202) 395-6813; Laura K. Anderson, Director for Taiwan Affairs (202) 395-3430; or Catherine Field, Associate General Counsel, (202) 395-3432, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Trade Act, as amended by the 1988 Omnibus Trade and Competitiveness Act, the USTR must

identify those trading partners that deny adequate and effective protection of intellectual property rights, or deny fair and equitable market access to United States persons that rely upon intellectual property, and those foreign countries that are determined to be priority foreign countries. Priority foreign countries are those countries (1) whose acts, policies, and practices are the most onerous and egregious and have the greatest adverse impact (actual or potential) on relevant U.S. products; and (2) that are not entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations to provide adequate and effective intellectual property protection. With respect to countries that deny fair and equitable market access for persons relying on intellectual property protection, priority foreign countries are those countries for which there is a factual basis for finding that the denial of market access results from the violation of international law or agreement, or the existence of discriminatory nontariff trade barriers.

On April 29, the USTR added Taiwan to the list of trading partners identified as priority foreign countries. India and Thailand were identified as priority foreign countries in 1991 and those countries remain identified as such.

Pursuant to section 302(b)(2)(A) of the Trade Act, the USTR must decide, no later than May 29, 1992, whether to initiate an investigation of these trading partners' acts, policies, or practices that are the basis for their identification as priority foreign countries. Thailand and India's acts, policies, and practices that are the basis of their identification as priority foreign countries have been investigated under section 301. We will continue to pursue those issues with these countries without initiating new investigations.

Jeanne E. Davidson,

*Chairman, Section 301 Committee*

[FR Doc. 92-10461 Filed 5-4-92; 8:45 am]

BILLING CODE 3109-01-M







# Sunshine Act Meetings

Federal Register

Vol. 57, No. 58

Wednesday, March 25, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 11:00 a.m., Monday, May 11, 1992.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 1, 1992.

Jennifer J. Johnson,  
Associate Secretary of the Board.

[FR Doc. 92-10589 Filed 5-1-92; 2:32 pm]

BILLING CODE 6210-01-M

## UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-92-09]

**TIME AND DATE:** May 15, 1992 at 11:00 a.m.

**PLACE:** Room 101, 500 E Street S.W., Washington, DC 20436.

**STATUS:** Open to the public.

### MATTERS TO BE CONSIDERED:

1. Agenda of future meetings.
2. Minutes.
3. Ratification List.
4. Petitions and complaints.
5. Inv. 731-TA-516 (Final) (Kiwi fruit from New Zealand)—briefing and vote.
6. Any items left over from previous agenda.

### CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202) 205-2000.

Dated: April 27, 1992.

Kenneth R. Mason,  
Secretary.

[FR Doc. 92-10551 Filed 5-1-92; 9:56 am]

BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

Commission Conference

**TIME AND DATE:** 10 a.m., Tuesday, May 12, 1992.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

**STATUS:** The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

### MATTERS TO BE DISCUSSED:

Docket No. AB-290 (Sub-No. 120), *Chesapeake Western Railway Company—Abandonment—Between Pleasant Valley and Staunton in Rockingham and Augusta Counties, VA.*

Docket No. AB-117 (Sub-No. 5B), *Elgin, Joliet and Eastern Railway Company—Abandonment—Hammond Branch in Hammond, IN* and Docket No. AB-317 (Sub-No. 2), *Indiana Harbor Belt Railroad Company—Discontinuance—Hammond Branch in Hammond, IN.*

Ex Parte No. 392 (Sub-No. 2), *Class Exemption for the Construction of Connecting Tracks Under 49 U.S.C. 10901* and Ex Parte No. 392 (Sub-No. 3), *Class Exemption for Rail Construction Under 49 U.S.C. 10901.*

Ex Parte No. MC-208, *Revision to Accounting and Reporting Requirements for Motor Carriers of Property.*

### CONTACT PERSONS FOR MORE INFORMATION:

Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927-5350, TDD: (202) 927-5721.

Sidney L. Strickland, Jr.,  
Secretary.

[FR Doc. 92-10513 Filed 5-1-92; 10:03 am]

BILLING CODE 7035-01-M

## SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission

will hold the following meetings during the week of May 4, 1992.

Closed meetings will be held on Monday, May 4, 1992, at 10:00 a.m. and on Thursday, May 7, 1992, at 2:30 p.m.

Commissioners Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meetings in a closed session.

The subject matter of the closed meeting scheduled for Monday, May 4, 1992, at 10:00 a.m., will be:

Institution and settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

The subject matter of the closed meeting scheduled for Thursday, May 7, 1992, at 2:30 p.m., will be:

Settlement of administrative proceedings of an enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Institution of injunctive actions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Holly Smith at (202) 272-2100.

Dated: April 30, 1992.

Jonathan G. Katz,  
Secretary.

[FR Doc. 92-10543 Filed 5-1-92; 8:45 am]

BILLING CODE 8010-01-M

## UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

**DATE/TIME:**

May 7, 1992

8:30 a.m.-10:30 a.m.

May 8, 1992



9:00 a.m.-12:00 noon

2:00 p.m.-5:00 p.m.

May 9, 1992

9:00 a.m.-12:00 noon

**LOCATION:** Airlie Foundation; Airlie VA.

**STATUS:** (Open Session)—portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection

1706(h)(3) of the United States Institute of Peace Act, Pub. Law. (98-525).

**AGENDA:** (Tentative)—Review of Institute Programs, long-range planning and other issues. Consideration of Grants, Fellowships, and National Peace Essay Contest Awards.

**CONTACT:** Mr. Gregory McCarthy, Director, Public Affairs and Information, Telephone: 202/457-1700.

Dated: April 29, 1992.

**Ms. Bernice J. Carney,**

*Director, Office of Administration, United States Institute of Peace.*

[FR Doc. 92-10505 Filed 5-1-92; 9:56 am]

**BILLING CODE:** BAC 3155-01-M



# **federal register**

**Tuesday  
May 5, 1992**

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## **Part II Department of Commerce**

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### **Bureau of Export Administration**

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**15 CFR Part 770 et al.**

**Exports to Hong Kong and New Zealand;  
Shorter Processing Time Frames, General  
Licenses GCG and GCT; Permissive  
Reexports from Hong Kong and New  
Zealand to the People's Republic of  
China, Final Rules**



## DEPARTMENT OF COMMERCE

## Bureau of Export Administration

## 15 CFR Parts 770, 771, 773, and 774

[Docket No. 920396-2069]

## Exports to Hong Kong: Shorter Processing Time Frames, General Licenses GCG and GCT and Permissive Reexports From Hong Kong to the People's Republic of China, et al.

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule

**SUMMARY:** As part of the Department of Commerce initiative to streamline export licensing requirements for exports to trading partners that are demonstrating increased ability to safeguard reexports of U.S.-origin strategic goods and technology, the Bureau of Export Administration (BXA) is extending to Hong Kong export licensing benefits available under the provisions of section 5(k) of the Export Administration Act of 1979, as amended (EAA). This action will lessen the administrative burden on U.S. exporters and their foreign customers.

Specifically, BXA is providing shorter processing times for license applications for Hong Kong; amending General Licenses GCG and GCT to authorize certain shipments of U.S.-origin commodities to Hong Kong; removing the requirement for specific U.S. reexport authorization for reexports from Hong Kong to the People's Republic of China of commodities that meet requirements described in Advisory Notes for the People's Republic of China or Country Groups QWY; amending the permissive reexport provisions to include Hong Kong; and amending the Distribution License procedure to authorize exports to Hong Kong of computers up to but not including the supercomputer level.

**EFFECTIVE DATE:** This rule is effective May 5, 1992.

**FOR FURTHER INFORMATION CONTACT:** Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, Telephone: (202) 377-2440.

## SUPPLEMENTARY INFORMATION:

## Rulemaking Requirements

1. This rule complies with Executive Order 12291 and Executive Order 12661.

2. This rule involves collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3502 *et seq.*). This collection has been approved

by the Office of Management and Budget under control numbers 0694-0005, 0694-0007, 0695-0010, and 0694-0015. Licensing requirements will be reduced as a result of this rule, thereby reducing the paperwork burden on the public.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. This rule does not impose a new control. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Accordingly, it is issued in final form. However, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

## List of Subjects

## 15 CFR Part 770

Administrative practice and procedure, Exports.

## 15 CFR Parts 771, 773, and 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 770, 771, 773, and 774 of the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

1. The authority citations for 15 CFR parts 770, 771, and 774 continue to read as follows:

**Authority:** Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93-153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94-183, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(1)(e), Pub. L. 94-258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et*

*seq.* and 42 U.S.C. 2130a); sec. 208, Pub. L. 95-372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended; sec. 125, Pub. L. 99-64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35823, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990), as continued by Notice of September 26, 1991 (56 FR 49385, September 27, 1991); and E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 14, 1991 (56 FR 58171, November 15, 1991).

2. The authority citation for 15 CFR part 773 continue to read as follows:

**Authority:** Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2130a); Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended; E.O. 12002 of July 7, 1977 (42 FR 35823, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990), as continued by Notice of September 26, 1991 (56 FR 49385, September 27, 1991); and E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 14, 1991 (56 FR 58171, November 15, 1991).

## PART 770—[AMENDED]

3. Section 770.14 is amended by revising the phrase "Finland, Ireland," to read "Finland, Hong Kong, Ireland," in the introductory text of paragraph (a) and in paragraph (a)(3)(ii).

## PART 771—[AMENDED]

4. In § 771.14, paragraph (b) is amended to read as follows:

**§ 771.14 General License GCG; shipments to agencies of cooperating governments.**

(b) *Definition of cooperating government agency.* The term "agency of a cooperating government" includes all civilian and military departments, branches, missions, and other governmental agencies of a cooperating national government. Cooperating governments are the national governments of the COCOM participating countries, the national governments of Austria, Finland, Ireland, Korea (Republic of), Singapore, Sweden, and Switzerland, and the Government of Hong Kong.

## § 771.25 [Amended]

5. Section 771.25 is amended:



a. By revising the phrase "Greece, Ireland," to read "Greece, Hong Kong, Ireland," in paragraph (b); and

b. By revising the phrase "Finland, Ireland," to read "Finland, Hong Kong, Ireland," in paragraph (f)(2) both places it appears.

#### PART 773—[AMENDED]

6. In part 773, Supplement No. 8 is amended by adding the words "Hong Kong" immediately after the word "Finland".

#### PART 774—[AMENDED]

##### § 774.2 [Amended]

7. In § 774.2, paragraph (i)(1) is amended by adding the words "Hong Kong," immediately after the word "Greece,".

8. In § 774.2, paragraph (j) is amended by adding the words "Hong Kong," immediately after the word "Finland,".

9. In § 774.2, paragraph (k) introductory text is amended by adding the words "Hong Kong," immediately after the word "Finland,".

10. In § 774.2, paragraph (k)(2) is amended by adding the words "Hong Kong," immediately after the word "Finland,".

Dated: April 28, 1992.

James M. LeMunyon,

Acting Assistant Secretary for Export Administration.

[FR Doc. 92-10196 Filed 5-4-92; 8:45 am]

BILLING CODE 3510-DT-M

#### DEPARTMENT OF COMMERCE

##### 15 CFR Parts 770, 771, 774, and 775

[Docket No. 920368-2068]

##### Exports to New Zealand:

Establishment of Import Certificate/Delivery Verification (IC/DV) Procedure, Shorter Processing Time Frames, General Licenses GCG and GCT; Permissive Reexports From New Zealand to the People's Republic of China, et al.

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** As part of the Department of Commerce initiative to streamline export licensing requirements for exports to countries that are demonstrating increased ability to safeguard reexports of U.S.-origin strategic goods and technology, the Bureau of Export Administration (BXA) is extending to New Zealand export licensing benefits available under the provisions of section 5(k) of the Export

Administration Act of 1979, as amended (EAA). This action will lessen the administrative burden on U.S. exporters and their foreign customers.

Specifically, BXA is amending the Export Administration Regulations (EAR) to provide shorter processing times for license applications for New Zealand; amending General Licenses GCG and GCT to authorize certain shipments of U.S.-origin commodities to New Zealand; removing the requirement for specific U.S. reexport authorization for reexports from New Zealand to the People's Republic of China of commodities described in Advisory Notes for the People's Republic of China or for Country Groups QWY; and amending the permissive reexport provisions of the EAR to include New Zealand.

This rule also amends the EAR to include new requirements based on the implementation of Import Certificate/Delivery Verification (IC/DV) procedures for New Zealand.

**DATES:** *Effective date:* This rule is effective May 5, 1992.

*Grace period:* In lieu of the 45 day grace period provided in 15 CFR 775.10(b)(1), a 90 day grace period will apply to the requirement to obtain the New Zealand Import Certificate to support an export license application. During the grace period, applications will be accepted when supported by either a Form BXA-629P (Statement by Ultimate Consignee and Purchaser) or a New Zealand Import Certificate.

##### FOR FURTHER INFORMATION CONTACT:

Gene Petersen-Beard, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, Telephone: (202) 377-4253.

**SUPPLEMENTARY INFORMATION:** The Bureau of Export Administration (BXA) requires a foreign importer to file an Import Certificate (IC) in support of individual validated license applications to export certain commodities controlled for national security reasons to specified destinations. The commodities are identified by the code letter "A" following the Export Control Classification Number on the Commerce Control List, which identifies those items subject to Department of Commerce export controls. By issuing an IC, the government of the importing country confirms that it will exercise control over the disposal of those commodities covered by an IC.

BXA also requires a Delivery Verification Certificate (DV) on a selective basis, as described in 15 CFR 775.3(i). By issuing a DV, the government of a country to which an export has

been made confirms that the exported commodities have either entered the export jurisdiction of that country or are otherwise accounted for by the importer.

New documentation practices adopted by New Zealand warrant the inclusion of that country in the IC/DV procedure. This rule amends the EAR by adding New Zealand to the list of countries that issue Import Certificates and by adding the name and address of the New Zealand authorities to the list of foreign offices that administer the IC/DV systems.

##### Rulemaking Requirements

1. This rule complies with Executive Order 12291 and Executive Order 12861.

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control numbers 0694-0001, 0694-0005, 0694-0007, 0695-0010, 0694-0016, and 0694-0021. Licensing requirements will be reduced as a result of this rule, thereby reducing the paperwork burden on the public.

The Import Certificate requirements set forth in § 775.3 supersede the requirement that a Form BXA-629P, Statement by Ultimate Consignee and Purchaser (approved by the Office of Management and Budget under control number 0694-0021), accompany license applications for exports and reexports to New Zealand. The Import Certificate issued by the Government of New Zealand does not constitute a collection of information under the Paperwork Reduction Act of 1980. As a result of this rule, there will be a decrease in the number of Statements by Ultimate Consignee, Form BXA-629P, and an increase in the number of Delivery Verifications, Form BXA-647P (approved by OMB under control number 0694-0016).

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed



rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. This rule does not impose a new control. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Accordingly, it is issued in final form. However, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

#### List of Subjects

##### 15 CFR Part 770

Administrative practice and procedure, Exports.

##### 15 CFR Parts 771, 774, and 775

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 770, 771, 774, and 775 of the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

1. The authority citations for 15 CFR parts 770, 771, 774, and 775 continue to read as follows:

Authority: Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93-153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94-163, 89 Stat. 877 (42 U.S.C. 6212, as amended; secs. 210 and 201(1)(e), Pub. L. 94-256, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95-372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96-72, 93 Stat. 503 (500 U.S.C. app. 2401 *et seq.*), as amended; sec. 125, Pub. L. 99-64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2,

1990), as continued by Notice of September 26, 1991 (56 FR 49385, September 27, 1991); and E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990) as continued by Notice of November 14, 1991 (56 FR 58171, November 15, 1991).

#### PART 770—[AMENDED]

##### § 770.14 [Amended]

2. Section 770.14 is amended by revising the phrase "Korea (Republic of), Sweden," to read "Korea (Republic of), New Zealand, Sweden," in the introductory text of paragraph (a) and in paragraph (a)(3)(ii).

#### PART 771—[AMENDED]

##### § 771.14 [Amended]

3. In § 771.14, paragraph (b) is amended by adding the word "New Zealand," immediately after the word "Korea (Republic of)."

##### § 771.25 [Amended]

4. Section 771.25 is amended:

- By revising the phrase "Netherlands, Norway," to read "Netherlands, New Zealand, Norway," in paragraph (b); and
- By revising the phrase "Ireland, Sweden" to read "Ireland, New Zealand, Sweden" in paragraph (f)(2) both places it appears.

#### PART 774—[AMENDED]

##### § 774.2 [Amended]

5. In § 774.2, paragraph (i)(1) is amended by adding the words "New Zealand," immediately after the word "the Netherlands,".

6. In § 774.2, paragraph (j) is amended by adding the words "New Zealand," immediately after the word "Ireland,".

7. In § 774.2, paragraph (k) introductory text is amended by adding the words "New Zealand," immediately after the word "Ireland,".

8. In § 774.2, paragraph (k)(2) is amended by adding the words "New Zealand," immediately after the word "Ireland,".

#### PART 775—[AMENDED]

##### § 775.1 [Amended]

9. The table in § 775.1(b) is amended by adding "New Zealand," immediately after "Netherlands," in the column titled "and the country of destination is".

##### § 775.3 [Amended]

10. The list of countries in § 775.3(b) is amended by adding "New Zealand" immediately after "Netherlands".

#### Supplement No. 1 to Part 775 [Amended]

11. Supplement No. 1 to part 775 is amended by adding a new entry for "New Zealand" immediately after the entry for "Netherlands", to read as follows:

#### SUPPLEMENT NO. 1—AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES<sup>1</sup>

[See footnotes at end of table]

Country	IC/DV authorities	System administered <sup>2</sup>
New Zealand.....	Comptroller for Customs, P.O. Box 2218, Wellington, New Zealand.	IC/DV

<sup>1</sup> Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at the Bureau of Export Administration Western Regional Office, 3300 Irvine Avenue, suite 345, Newport Beach, California 92660-3198 or at any U.S. Department of Commerce District Office (see listing in Commerce Office Addresses section of these regulations) or at the Office of Export Licensing, room 1099D, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230.

<sup>2</sup> IC—Import Certificate and/or DV—Delivery Verification.

Dated: April 28, 1992.

James M. LeMunyon,

Acting Assistant Secretary for Export Administration.

[FR Doc. 92-10197 Filed 5-4-92; 8:45 am]

BILLING CODE 3510-DT-M



# Registered Federal Tax

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**Tuesday  
May 5, 1992**

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## **Part III**

### **Department of Housing and Urban Development**

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**Office of the Assistant Secretary for  
Housing**

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**Service Coordinators in Section 202  
Projects; Notice of Fund Availability**



# Department of Housing and Urban Development

## Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-92-3422; FR-3220-N-01]

### Notice of Fund Availability: Service Coordinators in Section 202 Projects

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice of funding availability for Fiscal Year 1992.

**SUMMARY:** This Notice of Funding Availability (NOFA) announces the funding of regional lotteries for the hiring of a service coordinator in section 202 projects for the elderly and people with disabilities. Eligible projects will be selected in HUD Headquarters through the conduct of a series of lotteries involving competing applicants within each HUD Region. Residual amounts from within the regional lotteries will be combined into a national lottery involving all remaining eligible applicants. Projects also may apply to utilize residual receipts, without requesting section 8 funds. A HUD Program Notice entitled "Processing of Applications for Service Coordinators in Section 202 Housing and Monitoring of Approved Applications" (the Program Notice) is available from the HUD field offices. This program Notice describes in full HUD policy on the coordination of services in section 202 projects, provides all application forms, and fully covers the HUD field and regional offices' role in the review, selection and monitoring process.

The service coordinator will assist frail and "at risk" elderly individuals, and he/she will also serve persons with disabilities, and temporarily disabled individuals also living in section 202 housing for the elderly and people with disabilities. Eligible applicants are the borrowers/owners of projects funded under the section 202 program that are at sustaining occupancy at the time of application to HUD. If selected for funding, the applicant will enter into a HAP Contract amendment with HUD to fund a coordinator for a period of no more than five years, which may be renewed based upon need and availability of funding. Applicants may also be approved to utilize residual receipts for the purpose of funding a service coordinator.

This document contains information concerning: (a) The purpose of the NOFA; (b) eligibility, available amounts, and technical criteria, (c) application

processing, including how to apply and how selections will be made; and (d) a checklist of steps and exhibits involved in the application procedure.

**DATE:** The deadline date and time for submission of the service coordinator application using section 8 funds made available through the NOFA is on or before 3:30 p.m. local time at the appropriate HUD field office on June 19, 1992.

Applications utilizing ONLY residual receipts may be filed with the appropriate HUD field office at any time up to 3:30 p.m. local time at the appropriate HUD field office on September 30, 1992.

The above-stated deadlines are firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for inclusion in the lottery any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

**RECEIPT OF APPLICATIONS:** HUD will accept applications from section 202 projects at the field office of the U.S. Department of Housing and Urban Development which is currently servicing the applicant project. A listing of HUD field offices, their addresses and telephone numbers (including TDD numbers, where available) is attached as an appendix to this NOFA. Upon receipt of the application, the field office will date-stamp it to evidence (timely or late) receipt, and upon request, provide the applicant with an acknowledgement of receipt. FAXed applications are NOT acceptable.

**FOR FURTHER INFORMATION CONTACT:** The HUD field office for your jurisdiction (see appendix).

#### SUPPLEMENTARY INFORMATION:

##### Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. OMB has approved the supportive services information collection requirements under the assigned control number 2502-0447.

The public reporting burden for the collections of information contained in this NOFA is estimated to include the time for reviewing the instruction, searching existing data sources, gathering and maintaining the data needed both to apply for the grants and to report on a regular basis to HUD (if

funded), and for completing and reviewing the collection of information.

The estimated reporting burden for the service coordinator effort is:  
800 initial applications @ 2 hours each, 1,600 hours;  
450 annual program reports @ 1 hour each, 450 hours;  
22,500 individual client files @ 17 hours each, 3825 hours;  
Total burden of 5,875 hours.

#### I. Purpose and Substantive Description

##### A. Authority and Background

###### (1) Authority

Section 808 of the National Affordable Housing Act (NAHA) (42 U.S.C. 8012) amended section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(g)). The Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1992 (Pub. L. 102-139), amended Section 808 of NAHA.

###### (2) Background

Service coordinators were authorized under section 808 of NAHA in November 1990. HUD was authorized to allow service coordinators in section 202 projects in which a majority of the residents were frail, under a frailty definition established by HUD. This section also allowed HUD to allow section 202 projects to pay for 15 percent of a supportive services package out of Section 8 funds for frail elderly persons to allow them to remain in their own homes. HUD implemented the service coordinator policy through Notice H-91-42 "Service Coordinators in Section 202/8 Housing," dated May 21, 1991. Any project for the elderly and disabled which had a majority of frail residents was eligible to apply to its HUD field office and receive permission to either (1) use residual receipts to fund a service coordinator; (2) use existing section 8 amendment monies; or, use both. Due to the frailty limitation, few projects actually applied for approval. HUD has not implemented the portion of section 808 which allowed the use of section 8 funds to pay for supportive services.

The Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1992, amended section 808 of NAHA to remove the provision that there be a majority of frail residents in a project, and appropriated specific funds for service coordinators. The conference report established the service coordinator funds as a designated line item in the HUD budget. HUD, then, established procedures which would



guarantee that the funds could be distributed in a fair and equitable manner, because there were insufficient funds to meet the expected demand. HUD Notice H-91-42 was canceled on January 22, 1992, by HUD Notice H-92-6; however, approvals for service coordinators given under Notice H-91-42 were not revoked.

The Office of Housing recognizes that there may be 5-to-6 projects or more for each one which is fundable under a lottery with the available amount of dollars. In order to target the limited service coordinator funds in the most judicious manner, therefore, it made a number of policy determinations regarding applicant eligibility. The Office of Housing also determined that, with funds in short supply, once projects were deemed eligible, all should be treated equally, without the imposition of artificial selection criteria. A lottery system was established as the fairest and simplest method under which to spread the available funds within the regions. HUD made the following policy determinations regarding applicant eligibility:

- a. The use of service coordinator funds is primarily for those projects which have forty units or more and do not have a service coordinator or service coordination/case management in place, in order to target the funds to those projects which lack current arrangements for such resources to assist their residents, and have a pool of residents sufficient to utilize a coordinator efficiently.
- b. It was necessary to limit eligibility this first year to those projects which are 75 units or larger and have reached sustaining occupancy as of the date of application. This is simply to assure that the few coordinators which can be funded go to the largest projects which can document sufficient need, as those most easily can provide a sufficient pool of frail and other residents who can be served. And, with sustaining

occupancy required, there is a sufficient flow of rent into the project to cover operating expenses and the residents are generally known. Housing recognizes, however, that two near-by projects could join forces in order to reach the minimum threshold size. Additional criteria dealing with management capability (default, final endorsement) are also used to further limit the number of potential applicants.

- c. The Office of Housing determined to limit eligibility to those projects which can document that at least 25 percent of the residents are frail or "at risk". This limitation ensures that there should be a sufficient pool of tenants who can truly benefit from a coordinator in that project, as opposed to funding any eligible project, whether or not there was a clear need.
- d. Finally, Housing also determined that the use of residual receipts to fund a service coordinator is of benefit to the residents of the project. Therefore, residual receipts must be utilized, if available, before a project may request section 8 funds for a coordinator. An applicant must document that residual receipts are insufficient to fund the coordinator completely, or in part, before any section 8 funds may be awarded.

The requirements and restrictions noted above, however, also apply to projects that apply for residual receipts without funds under the Act. First, there are a number of other possible uses of residual receipts, including some repairs and major replacements. The Office of Housing does not intend that any project with residual receipts can automatically get a coordinator, as there may not be a true need for the function, without some targeting thresholds to be met. Also, while such approvals do not have budgetary impact when initially made, at such time as the residual receipts are exhausted or are no longer available to fund a service coordinator (and such need continues), the projects would be

requesting section 8 funds to continue the coordinator, should such funds be available. As a project already approved for a coordinator, it would have priority claim to the use of funds which might be available in that year. At that point, the use of a service coordinator in the project does have budgetary impact. Thus, HUD must ensure that future budgetary impact is not being incurred now on an automatic, and unnecessary basis.

#### B. Allocation Amounts

The U.S. Department of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1992, appropriated \$18,250,000 for service coordinators. \$15,504,746 was allotted to HUD by the Office of Management and Budget. HUD will allocate the funds among the regions, as follows:

1. There are 1,201 projects of 75 units or larger, containing 149,770 units.
2. Each field office has an identified number of section 202 projects consisting of at least 75 units for the elderly and disabled. These projects and units are aggregated for all field offices in each Region to derive Regional totals.
3. The number of units in each region in projects of 75 units or more were converted to a percentage of the total national number of projects/units in the 75 unit or more category. While this method does not additionally consider the number of multi-project applications which may be submitted this year, HUD has assumed that there will not be many of them and that such applications will be submitted consistently among the regions.
4. The percentage of the total projects/units for each region was applied to the \$15,504,746 available to come up with the total dollars available for each region.

Based on the described formula, the funds were allocated to the HUD Regions as follows:

ALLOCATION OF FY 1992 SERVICE COORDINATOR FUNDS TO REGIONS

Region	Projects	Units	Dollars	Percentage
I.....	66	7,776	\$775,237	5
II.....	150	19,341	2,015,617	13
III.....	156	19,459	2,015,617	13
IV.....	240	30,533	3,100,949	20
V.....	230	29,156	3,023,426	19.5
VI.....	104	12,607	1,317,903	8.5
VII.....	64	7,377	775,237	5
VIII.....	27	3,199	310,095	2
IX.....	139	17,208	1,860,570	11
X.....	25	3,114	310,095	2
Totals.....	1,201	149,770	15,504,746	100



HUD field offices will review applications. They will be screened for completeness, followed by a threshold examination. Those applications passing the threshold examination will be reviewed by the field offices for technical acceptability. A list of applications which are technically acceptable will be sent in a report to Headquarters for possible selection.

HUD Headquarters staff will enter all eligible applications for service coordinator funds into regional lotteries. Lottery winners will be selected randomly, within regions, from among eligible applicants selected by HUD Headquarters staff from outside the Office of Housing. Eligible applicants will continue to be selected until all dollars allocated to each region have been used up. Residual amounts from the regional lotteries will be combined into a national lottery for all remaining eligible applicants.

Eligible applicants that are able to fund a service coordinator entirely from existing residual receipts may do so upon approval of the application by the field office, and will not participate in either the regional or the national lotteries.

#### C. Eligibility

##### 1. Eligible Applicants

Eligible applicants are owners/borrowers of projects for the elderly and handicapped as defined in 24 CFR parts 277 or 885.

##### 2. Eligible Housing Projects

Eligible projects under this NOFA must be section 202 or 202/8 projects which are in occupancy as of the date of application to HUD under this NOFA, and must have reached sustaining occupancy (97 percent).

The project must also contain 75 or more units (unless two owners of smaller projects in the same, immediate, geographic area submit a joint application which contains an aggregate of at least 75 units).

##### 3. Funding Limit

The maximum fundable amount is \$25.00/unit/month.

#### D. Technical Acceptability

##### 1. General

To provide each applicant a fair and equitable opportunity to use residual receipts or to receive FY 1992 funds (or both) for service coordinators, all projects which pass the threshold examination and are acceptable are eligible for inclusion in a regional lottery. Eligible applicants needing

residual receipts ONLY will not be included in the lottery.

All applications must be submitted to the appropriate HUD field office.

—Applications will be screened by HUD field office staff for completeness in accordance with sections III and IV of this NOFA, below.

—HUD field office staff will do a threshold examination of applications for eligibility, project size, percentage of frail and "at risk" residents, length of time in occupancy, sustaining occupancy, lack of current service coordination, substitution of costs, default status, final endorsement status, management capability and civil rights compliance, subject to paragraph II.D. of this notice.

—All applications that pass the threshold examination will be reviewed by HUD field office staff to determine that the application is acceptable.

##### 2. Criteria for Application Acceptability

The following are the factors upon which the applications will be reviewed.

a. The application should state that the project is applying for section 8 funds, using residual receipts only, or proposing to use both;

b. If section 8 funds are requested, documentation should be provided that residual receipts are not sufficient to cover the costs that are proposed for section 8;

c. The application has documented that there is adequate space for confidential meetings and location to secure files, OR community space is utilized so that such usage will not affect the normal activities of the residents of the project.

d. The owner documents the need for a service coordinator;

e. The time period for the service coordinator (number of hours to be worked) corresponds with the need for the service coordinator, as described;

f. The total time requested (salary, fringe, operating expenses) is within the per unit maximum of \$25.00/unit/month;

g. The salary and other costs proposed for the first year are consistent with the local market and the rest of the management team and fringe benefits and other costs are consistent with other similar costs allowed for that organization. Costs for years 2-5 are consistent with year one less any one-time start-up costs in year one.

h. The funds requested for a service coordinator are for new time allocations and staffing, NOT to augment the salary of an existing staff person whose time on the job will not be increased;

i. The position description(s) of the service coordinator, and aides, if used, correspond to the qualifications and duties as stated in the HUD Program notice, sections VI.D and IX; and,

j. If the service coordinator is contracted out, a copy of the contract is provided and it addressed all items in section II.B(6), following; and,

k. If a multi-project application, the proposed agreement between the two sponsors/owners/borrowers addresses all items in sections II.B(1) and (7), following.

#### II. Application Process

##### A. Obtaining Application Materials

All applicants must contact the Director of Housing Management in the HUD field office which services their project(s) to obtain a copy of the HUD Program Notice, which describes the requirements for, and conditions under, which a service coordinator may be hired, and all required forms which must be submitted together with the narrative material, as stated in Section II.B, following.

The application materials will be available from through September 30, 1992.

##### A. Application Requirements

All applications must contain at least the following information (necessary forms are available from the HUD field office in the Program Notice):

1. A transmittal letter signed by the chairperson of the Board of Directors of the borrower(s)/owner(s).

The letter must include a statement that the request is to use: (1) Residual receipts; (2) section 8 funds available under the Act; or (3) both, if the amount of residual receipts available is non-existent or insufficient to cover the proposed of the service coordinator over its up-to-five-year term.

The letter must also state the amount requested, specifying for each year of the funding request how much is from residual receipts and how much is from funds under the Act, or both. The letter must also state the period of the term applied for of the HAP contract amendment or residual receipts approval (or both) that is being requested. The term for the application shall be a maximum of five years or the remaining length of the existing section 8 contract, whichever is less; renewal, if appropriate, may be requested at the completion of the term of the HAP contract amendment or residual receipts approval.

Finally, the letter should state that is sufficient office space available for the



coordinator (and aides, if appropriate), including space for confidential meetings and a location to secure files; OR, in cases where management proposes to utilize current community or non-commercial space for the service coordinator, the request must clearly state that the space is sufficient and will not adversely affect the normal activities of the residents of the project(s).

Attached to the letter should be documentation to show that available residual receipts are insufficient to cover the amount of any section 8 funds requested. Also attach evidence (e.g., floor plan/schematic) that the space identified in the project is sufficient and appropriate for the function.

2. An SF-424, Request for Federal Assistance (this is ONLY submitted by applicants which are requesting funds available under the Act).

3. A brief explanation of the need. At a minimum, the request must:

a. State the estimated number of residents of the project(s) who are frail or "at-risk", as defined in the program Notice, Section VII.

b. Document the need for the service coordinator in the projects. Examples of possible documentation are:

- Lists of individuals (without names), citing their apparent frailties, as viewed by project management.
- Lists of anecdotes describing incidents of frailty among different individuals.
- Citing from assessment of individuals, if the project has them on file (assessments should NOT be conducted for the purpose of providing evidence for this application).

4. The annual salary proposed for the service coordinator, plus fringe benefits and administrative costs (which may include additional office equipment, supplies, car allowance, copying, etc.) for the first year, the amounts needed for years two through five and the total amount requested for the complete term. This amount must be within the \$25/unit/month maximum. The estimates for years two through five (or less, if the remaining term of the section 8 contract is less), may be based on an annual inflation factor of up to five percent. Any one-time, first-year start-up costs should be subtracted from year one before calculating the year two-through-five estimate.

Evidence must be submitted to demonstrate comparability of the salary with other similar positions in the local jurisdiction.

5. Position description(s) for the service coordinator (and aides, if

utilized). These must relate to the responsibilities and qualifications stated in sections VI.D and VIII of the Program Notice, and also state the relationship between the service coordinator (and aides, if any), and the project manager/administrator and other members of the management team.

6. Projects proposing to contract out for a service coordinator, must submit a copy of the ratified contract, which is subject to the funding of this application, between the borrowers/owners and the community agency, containing: The dates of the contract, the number of hours to be worked weekly, the name of the single individual assigned to the responsibility, the rate of payment, and related expenses for the work to be performed, a description of the work to be performed, consistent with section VI.D of the HUD Program Notice, location of office and meeting space and the location/security of records.

7. For two projects proposing to share a service coordinator (which may include one or more aides), submit a copy of the ratified agreement between the borrowers/owners, which is subject to the funding of this application, containing the period covered by the agreement, an explanation of how the arrangement would work, where ultimate responsibility lies for the hiring (and firing) of the coordinator (and aides), space sharing, location and security of records, payment of salary and expenses, and the allocation of days and hours between/among the housing projects.

8. Certifications for:

a. The borrower/owner agrees to collect routinely and make available to HUD the information requested under paragraphs XIII.A and B of HUD Program Notice. The material in paragraph XIII.B must be submitted annually by mail to the field office, as a condition for continued approval of a service coordinator position.

b. The borrower/owner must certify that the costs of services coordination, consistent with sections V and VI of the HUD Program Notice, if in place and being paid for by an entity other than HUD, are not being transferred to HUD.

c. A Drug-free Workplace will be maintained, in accordance with the Drug-free Workplace Act of 1988 and HUD's implementing regulations at 24 CFR part 24, subpart F.

d. Lobbying Certification Form (to be submitted if application is for \$100,000,000 or more).

e. Prohibition Against Lobbying, Form SF-LLL, if appropriate, for applicants requesting \$100,000 or more, pursuant to section 319 of Public Law 101-121, which

prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal government. (The law provides substantial penalties for failure to file the required certification or disclosure.)

f. Applicant/Recipient Disclosure/Update Report, HUD-2880.

g. Compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations at 24 CFR part 1; the Fair Housing Act (42 U.S.C. 3600-3619) and the implementing regulations at 24 CFR parts 100, 109 and 110; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR part 8; the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR part 146; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135; Executive Order 11246 (as amended) and the implementing regulations at 41 CFR Chapter 60; the regulations implementing Executive Order 11063 (Equal Opportunity in Housing) at 24 CFR part 107; and affirmative fair housing marketing requirements of 24 CFR part 108, subpart M.

h. The borrower/owner is operating under an annual HUD-approved budget or rent increases rather than an annual adjustment factor (AAF). Should the section 8 contract provide for an AAF, the owner/borrower has agreed in writing to amend the contract to substitute the budget process for the AAF for all future rent increases.

i. The borrower/owner has an established residual receipts account. If it does not, the owner/borrower has agreed in writing to amend the project's regulatory agreement(s) to provide for a residual receipts account(s) separate from the reserve for replacement account into which future residual receipts will be deposited.

### C. Submission of Applications

#### 1. Submission to the Appropriate HUD Field Office

a. *Applicants requesting Residual Receipts Only.* Applicants shall submit an original and one copy (a FAX copy of the application is NOT acceptable) of the application to the Field Office which services the project by 3:30 p.m. local time in the accepting Field Office on September 30, 1992. Applications received in the HUD field office after the date and time stated will not be accepted, and will be returned to the sender.



Each application package must be identified on the envelope or wrapper as follows:

Director of Housing Management  
Application for Service Coordinator  
(Residual Receipts Only)

Due Between the dates of June 19, 1992,  
and September 30, 1992.

Determination whether an application is received on time is solely the responsibility of the HUD field office of the jurisdiction in which lies the project(s) covered by the application.

b. Applicants requesting Section 8 Funds With or Without Residual Receipts

Applicants shall submit an original and one copy (a FAX copy of the application is NOT acceptable) of the application to the Field Office which services the project by 3:30 p.m. local time in the accepting Field Office on June 19, 1992. Applications received in the HUD field office after the date and time stated will not be accepted, and will be returned to the sender.

Each application package must be identified on the envelope or wrapper as follows:

Director of Housing Management  
Application for Service Coordinator  
(section 8 funds)

Due on or before June 19, 1992.

Determination whether an application is received on time is solely the responsibility of the HUD field office of the jurisdiction in which lies the project(s) covered by the application.

#### C. Screening for Completeness (Technical Deficiencies)

Each field office will screen all applications received. This screening will determine the extent to which all necessary items have been submitted, are incomplete or missing and what items may be submitted in accordance with sections III and IV of this NOFA.

#### D. Threshold Examination

##### 1. General

After the application is screened for completeness, HUD Field Offices will review them to see if they meet threshold requirements according to the process stated below.

##### 2. Threshold Examination by HUD Field Office

After the application is screened for completeness, HUD field office staff will do a threshold examination of all applications. During this examination, an application will be rejected if:

a. It is ineligible (that is, it is not a section 202 or 202/8 project as defined in paragraph I.C (1) and (2), above.

b. It (or a group application in which

two projects in the same immediate geographic area combine) has less than 75 units;

c. It is not sustaining occupancy;

d. Less than 25 percent of the residents are documented as frail or "at risk".

e. The proposal will shift costs for a currently provided service coordinator/service coordination/case management system from the owner/borrower, third party agent or agency to HUD. (If service coordination (particularly in projects with large amounts of State or local government funds, including SSI or Medicaid payments directly to the project owner or management for the resident) is currently in-place and paid for by resources other than HUD, the costs shall NOT be shifted to HUD. This prohibition also holds for an old section 202 project approved prior to 1972 which does not utilize section 8 and in which a coordinator may be paid for out of current operating funds.);

f. The project loan is not current or not current under a HUD-approved workout arrangement. It is in default (i.e., owes either interest or amortization to HUD) AND does NOT have an approved workout agreement with HUD in which payments are current.

g. It has not been finally closed;

h. The borrower/owner, if under an annual adjustment factor (AAF), has not agreed to amend the section 8 contract to substitute the annual HUD-approved budget for rent increases.

i. The borrower/owner does not have a separate residual receipts account and has not agreed to amend the project's(s') regulatory agreement(s) to provide for same; or,

j. One or more of the following items are outstanding:

—A pending civil rights suit against the applicant (or project) brought by the Department of Justice;

—An outstanding finding of noncompliance with civil rights statutes, executive orders or regulations as a result of formal administrative proceedings;

—A charge issued by the Secretary concerned against the applicant under the Fair Housing Act, unless the applicant (or owner) is operating under a conciliation or compliance agreement designed to correct the area of non-compliance;

—A pending denial of application processing by HUD under Title VI of the Civil Rights Act of 1964, under the Attorney General's guidelines (28 CFR 50.3), and the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1).

—There exist serious, unaddressed or outstanding Inspector General audit

findings or HUD Headquarters/Field Office Management monitoring review findings or HUD Headquarters/FH&EO fair housing monitoring review findings for any of the applicant's ongoing management operations or in connection with its administration of existing grants.

—There exist serious, unaddressed or outstanding Inspector General audit findings or HUD Headquarters/FH&EO fair housing monitoring review finding for any of the applicant's ongoing management operations or in connection with its administration of existing grants; or,

—The applicant is involved in litigation which could seriously jeopardize its ability to administer the service coordinator function.

An applicant shall be rejected if one or more of the criteria (a) through (h) listed above, are met.

The field offices will notify all applicants in writing that have been rejected at the time announcement of lottery participant selections is made.

#### E. Review Procedures

##### 1. General

All applications that pass the threshold examination will be reviewed for acceptability. The review will be carried out by HUD field Office staff.

##### 2. Application Review

The review will consist of determining that the following criteria are met:

a. The application states that the project is applying for section 8 funds designated for service coordinators, using residual receipts only, or proposing to use both.

b. If section 8 is requested, documentation is provided that residual receipts are insufficient to cover the costs that are proposed for section 8.

c. The application has documented that there is adequate space for confidential meetings and a location to secure files, OR community space is utilized and such use will not adversely affect the normal activities of the residents of the project(s).

d. The borrower/owner documented the need for the service coordinator;

e. The time period for the service coordinator (number of hours to be worked) corresponds with the need for the service coordinator, as described.

f. The total amount requested (salary, fringe, operating expenses) is within the per \$25/unit/month maximum;

g. The salary and other costs proposed for the first year are consistent with the local market, the rest of the management team and fringe benefits are consistent



with other similar costs allowed for that organization. Costs for years two-to five are consistent with year one, less any one-time start-up costs.

h. The funds requested for a service coordinator are for new time allocations and staffing, NOT to augment the salary of an existing staff person whose time on the job will not be increased.

i. The position description for the service coordinator relates to the responsibilities and qualifications per sections VI.D and VIII of the HUD Program Notice.

j. If the applicant proposes to contract the service coordination function, the proposed agreement between the borrower/owner and the third party agent(s) addresses all items noted in section II.B(6), above.

k. If a multi-project application, the proposed agreement between the borrowers/owners addresses all items noted in section II.B(7), above.

### 3. Reductions in Funding Within Applications

HUD reserves the right to reduce the amount of funding requested in any application in instances where the applicant's documentation does not justify the amounts requested. Examples of reasons to reduce initial funding requests include, but are not limited to: (1) Activities proposed are not eligible or approvable by HUD; or, (2) the field office determines that the cost of the service coordinator is not consistent with similar salaries in the local jurisdiction, is more than necessary to make the activity feasible in that jurisdiction, or is over the per unit cap established by HUD; or, (3) there are less funds available than the amount requested. Field offices may reduce funding with appropriate documentation during technical review of the applications; Headquarters may reduce funding in the final, national lottery.

### F. Submission of HUD Field Office Reports to the HUD Regional Office

After the completion of the review for technical adequacy, each HUD Field Office must submit lists to the Regional Office regarding the acceptability of applications received before the application deadline. In cases of projects using only excess residual receipts, the field office is authorized to make an agreement with these applicants regarding use of these funds. The field office shall inform the Regional office of projects recommended for agreements to use residual receipts, and proposed rejections, in a report listing those projects approved in such form as Headquarters may require. The list for projects using only residual receipts

must be submitted to the Regional office by November 15, 1992 in such form that HUD may require.

The list of those projects being considered for the lottery must be submitted to the Regional Office no later than 45 calendar days after the application deadline, also in such form as HUD Headquarters may require.

### G. Regional Office Report to Headquarters

#### 1. Projects Utilizing Only Excess Residual Receipts

The Regional office will review the field office list of all approvals and all proposed rejections and transmit the report to Headquarters. Regional staff may overturn a field office rejection if it is not documented or justified through the use of appropriate review sheet and comments for the applicable threshold examination criteria, or the criteria for technical adequacy. In such cases, the Regional office must discuss the proposed action with the appropriate field office staff and so document. The report shall be submitted to HUD Headquarters by November 30, 1992 in such form that Headquarters may require.

#### 2. Projects Needing Funds Under the Act

The Regional Administrator shall submit a report to HUD Headquarters regarding the acceptability of applications reviewed by the field offices in the Region.

The Regional report must be submitted no later than 75 calendar days after the application deadline, in such form as HUD Headquarters may require. The report must include information regarding each application eligible for the lottery and any cases in which the Region determines to overturn a field office proposed rejection of a project. Regional staff may overturn a field office rejection if it is not documented or justified through the use of appropriate review sheet and comments for the applicable threshold examination criteria, or the criteria for technical adequacy. In such cases, the Regional office must discuss the proposed action with the appropriate field office staff and so document.

#### 3. HUD Headquarters Review

Headquarters staff will review the Regional office reports and the lists of eligible applications. Headquarters may overturn Regional actions on rejections if not documented or justified by analysis of incorrect use of the appropriate review sheet on threshold examination criteria, or the criteria for technical adequacy. In such cases,

Headquarters must discuss the proposed action with the appropriate Regional office staff and so document after appropriate discussion with staff of the involved office(s) and with satisfactory justification and documentation.

### H. Final Selection

All eligible applicants submitting technically adequate proposals and needing funds from the Act (other than those noted as preliminary screening, threshold or technical rejects) will be included in the lottery. Eligible applicants will be selected by lottery within their respective Regions by a HUD official from outside of the Office of Housing. As applicants are selected, they will be listed in order of selection within the applicant's Region, and the costs of the application will be counted against that Region's allocation.

Projects will continue to be selected in a Region until all that Region's allocation is utilized or only a small residual amount remains.

At the conclusion of the regional lottery selection process, if there are residual amounts remaining in one or more regions, these will be combined. All applicants not selected in the regional lotteries will be combined into one lottery. One or more applications will be selected by this secondary lottery until the remaining residual funds are gone.

It is possible that the last selection in the national lottery using the residual funds from the regional lotteries will need to be reduced in order to be consistent with the funds available. For example, if there is \$80,000 remaining available for a service coordinator and the next selected application is for a five-year total of 95,000, HUD may request the applicant to reduce its proposed funding level to \$80,000 or less and pick up the remaining amount as a condition for approval.

### III. Checklist of Application Submission Requirements

The checklist specifies the required materials and attachments that must be submitted as part of an application, and identifies those required materials necessary to pass threshold requirements. The items noted specifically as being forms and certifications may be corrected during the technical deficiency correction period, if they meet the specifications set out in section IV of this Notice.

The Checklist is Appendix 1 of the HUD Program Notice.



#### IV. Correction of Deficient Applications

During the preliminary screening process, if HUD determines that an application has deficiencies involving items which are not essential for HUD's review of the proposal, the applicant will be given 14 calendar days from the date of written notification in which to correct the noted deficiencies.

The purpose of this process is to assist an applicant in completing a fundable proposal, and not to provide an opportunity for an application to be substantively improved, once it has been submitted, in the process of correcting deficiencies. Curable deficiencies relate to items that are not necessary for HUD review under threshold review or technical adequacy factors (e.g., a missing certification or missing signature or statement of which type of funds are requested). A deficiency does NOT include any substantive component of the application. Correction of deficiencies does not allow additional time to complete, amend or correct the application to overcome any substantive defects in the original submission.

Items that may be addressed during the deficiency process include but are not limited to the following:

1. Portions of the transmittal letter and attachments
2. The SF-424, Request for Federal Assistance
3. The following certifications:
  - a. Data collection;
  - b. Drug-free Workplace;
  - c. Lobbying Certification Form, if appropriate;
  - d. Applicant/Recipient Disclosure/Update Report,
  - e. Prohibition Against lobbying, Form SF-LLL, if appropriate;
  - f. Transfer of coordinator/case management costs to HUD;
  - g. Willingness to comply with appropriate civil rights acts and regulations;
  - h. Operating under the annual HUD-approved budget process or willingness to convert thereto for rent increases; and,
  - i. Having a residual receipts account separate from a reserve for replacements account, or willingness to institute one.

HUD field offices will request documents as necessary to correct deficiencies in any service coordinator application. (A FAX copy of an original document may NOT be submitted to meet any technical deficiency-correction request.) Receipt by the HUD field office of a response to a letter request to an applicant for correction of technical deficiencies must be submitted to that

field office by the close of business time in that field office by the 14th calendar day following the date on that field office's request letter to the applicant. This means (for example) that if the deficiency letter is dated June 15, 1992, the response must be received by close of business in the appropriate HUD field office on June 29, 1992. Information provided after the close of business in that field office on the fourteenth day of the correction period will not be accepted. In any such situation, the application will be rejected.

All applicants are encouraged to review the applicant's checklist provided in the HUD program Notice. The checklist identifies all technical requirements needed for application processing.

#### V. Other Matters

##### A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

##### B. Family Executive Order

The General Counsel, as the Designated Official under executive order 12606, The Family, has determined that the policies contained in this NOFA will have some significant impact on the maintenance and general well-being of families. The service coordinator can be expected to assist in the provision of supportive services which can prevent or postpone unnecessary or premature institutionalization, and reduce unnecessary stress and financial burdens, on a participant's families by allowing them to remain in their apartments. Because the impact on family concerns is wholly beneficial, no further review under the executive order is considered necessary.

##### C. Federalism Executive Order

The General Counsel, as the Designated Official under section 6(a) of the executive order 12612, Federalism, has determined that the policies contained in this NOFA do not have Federalism implications, and, thus, are not subject to review under the order. This NOFA is limited to providing the procedures under which HUD would

make additional staff assistance available to applicants under a program designed to provide housing assistance and insure the availability of supportive services to frail elderly individuals. The program involves intergovernmental cooperation, but in no manner will involve federal incursion upon local or state decision making, or the administration of local or state law.

#### D. Section 102 of the HUD Reform Act Documentation and Public Access

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than thirty days after the award for assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

#### Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicants disclosure reports, but in no case for a period of generally less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act 95 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 CFR 1942), for further information on these disclosure requirements.)

#### Subsidy-Layering Determinations

24 CFR 12.52 requires HUD to certify that the amount of HUD assistance is not more than necessary to make the assisted activity feasible after taking into account of other government assistance. HUD will make the decision with respect to each certification available to the public free of charge, for



a three-year period. (See the notice published in the *Federal Register* on January 16, 1992 (57 CFR 1942) for further information on requesting these decisions.) Additional information about applications, HUD certifications, and assistance adjustments, both before assistance is provided or subsequently, are to be made under the Freedom of Information Act 24 CFR part 15).

#### *E. Section 103 of the HUD Reform Act*

HUD's regulation implementing section 103 of the Reform Act was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815; TDD: 202-708-1112 (these are not toll-free numbers.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

#### *F. Section 112 of the HUD Reform Act*

Section 13 of the Department of Housing and Urban Development Act (section 112 of the Reform Act) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if

they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the *Federal Register* on May 17, 1991 (56 FR 22912), as 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions regarding the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708-3815; TDD: (202) 708-1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

#### *G. Prohibition Against Lobbying Activities*

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and sub-recipients of assistance exceeding \$100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

#### *Authority*

Section 808, Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011).

Dated: April 23, 1992.

Arthur J. Hill,

Assistant Secretary for Housing-Federal Housing Commissioner.

#### *HUD Field Offices*

##### *Region I*

Boston, Massachusetts Regional Office (Jurisdiction: Massachusetts)

Harold Thompson, (Acting) Regional Administrator, Regional Housing Commissioner, HUD—Boston Regional Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 375, Boston, Massachusetts 02222-1092, (617) 565-5234, TDD (617) 565-5453

Hartford, Connecticut Office (Jurisdiction: Connecticut)

William Hernandez, Jr., Manager, HUD—Hartford Office, 330 Main Street, Hartford, Connecticut 06106-1860, (203) 240-4523, TDD (203) 240-4522

Manchester, New Hampshire Office (Jurisdiction: New Hampshire)

James Barry, Manager, HUD—Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03101-2487, (603) 666-7681, TDD (603) 666-7518

Providence, Rhode Island Office (Jurisdiction: Rhode Island)

Casimir J. Kolaski, Jr., Manager, HUD—Providence Office, 330 John O. Pastore Federal Building and U.S. Post Office—Kennedy Plaza, Providence, Rhode Island 02903-1745, (401) 528-5351, TDD (401) 528-5364

##### *Region II*

New York Regional Office (Jurisdiction: New York, New Jersey)

Dr. Anthony Villane, Regional Administrator—Regional Housing Commissioner, HUD—New York Regional Office, 26 Federal Plaza, New York, New York 10278-0068, (212) 264-8068, TDD (212) 264-0927

Buffalo, New York Office (Jurisdiction: New York)

Joseph Lynch, Manager, HUD—Buffalo Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, New York 14203-1780, (716) 846-5755, TDD (716) 846-5787

Newark, New Jersey Office (Jurisdiction: New Jersey)

Theodore Britton, Jr., Manager, HUD—Newark Office, Military Park Building, 60 Park Place, Newark, New Jersey 07102-5504, (201) 877-1662, TDD (201) 877-6649

##### *Region III*

Philadelphia, Pennsylvania Regional Office (Jurisdiction: Pennsylvania)

Michael Smerconish, Regional Administrator, HUD—Philadelphia Regional Office, Liberty Square Building, 105 South 7th Street, Philadelphia, Pennsylvania 19106-3392, (215) 597-2560, TDD (215) 597-5564

Washington, D.C. Office (Jurisdiction: District of Columbia)

I. Toni Thomas, Manager, HUD—Washington, D.C. Office, Union Center Plaza, Phase II, 820 First Street, NE., Suite 300, Washington, D.C. 20002-4205, (202) 275-9200, TDD (202) 275-0967

Baltimore, Maryland Office (Jurisdiction: Maryland)

Maxine Saunders, Manager, HUD—Baltimore Office, 10 North Calvert Street, 3rd Floor, Baltimore, Maryland 21202-1865, (301) 962-2121, TDD (301) 962-0106

Pittsburgh, Pennsylvania Office (Jurisdiction: Pennsylvania)

Choice Edwards, Manager, HUD—Pittsburgh Office, 412 Old Post Office Courthouse Bldg., 7th Ave. & Grant St., Pittsburgh, PA



15219-1906, (412) 644-8428, TDD (804) 771-2820

Richmond, Virginia Office (Jurisdiction: Virginia)

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**Tuesday  
May 5, 1992**

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## **Part IV**

# **Department of Transportation**

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**Federal Aviation Administration**

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**14 CFR Part 91**

**Flight Recorders and Cockpit Voice  
Recorders; Final Rule**



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 91

[Docket No. 26666; Amdt. No. 91-228]

RIN 2120-AD82

## Flight Recorders and Cockpit Voice Recorders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This final rule amends the Federal Aviation Regulations to allow part 91 operators to continue flight, or ferry certain aircraft, in the event that the flight recorder (FR) and/or cockpit voice recorder (CVR) is inoperative. This change provides part 91 operators similar relief to that afforded air carriers and commercial operators operating under part 91 of the Federal Aviation Regulations (FAR). Additionally, this change permits part 91 operators to operate for up to 15 days with an inoperative FR or CVR. These amendments are intended to prevent part 91 operations from being forced out of service unnecessarily.

EFFECTIVE DATE: May 5, 1992.

**FOR FURTHER INFORMATION CONTACT:** Thomas Glista, Regulations Branch (AFS-850), General Aviation and Commercial Division, 800 Independence Ave. SW., Washington, DC 20591; telephone: (202) 267-8150.

## SUPPLEMENTARY INFORMATION:

## Background

Prior to October 11, 1991, § 91.609 of the Federal Aviation Regulations (FAR) required certain part 91 operators to install an approved flight recorder (FR) and operate it continuously from takeoff to landing. Furthermore, the rule required that approved cockpit voice recorders (CVR) be installed and operated continuously on the aircraft of certain part 91 operators.

Additionally, § 91.609 of the FAR provides relief to holders of air carrier or commercial operator certificates to operate their aircraft under certain conditions with the FR and/or CVR removed or inoperative. That relief was not provided to operators that do not hold an air carrier or commercial operators certificate.

To provide relief to part 91 operators similar to that already provided to holders of air carrier or commercial operator certificates, the FAA issued an interim rule on FR's and CVR's (56 FR 51618, October 11, 1991). This interim

rule provides similar relief to general aviation operators as to holders of air carrier or commercial operator certificates. Additionally, the interim rule provides relief to part 91 operators to operate for up to 15 days with an inoperative FR or CVR. This amendment was intended to prevent part 91 operations from being forced out of service unnecessarily. The interim rule expires on April 13, 1992.

## History

The FAA issued Amendment Nos. 23-35, 25-65, 27-22, 29-25, 91-204, 121-197, 125-10, and 135-26 on June 30, 1988 (53 FR 26134, July 11, 1988), to require digital flight data recorders and cockpit voice recorders to be installed in a broad range of airplanes and rotorcraft operated by air carriers and commuter airlines, as well as in selected aircraft operated in general aviation. Compliance was required by October 11, 1991. The amendments respond to legislation that required the FAA to amend its FR and CVR requirements in accordance with recommendations from the National Transportation Safety Board. The intent of the amendments was to provide more information to accident investigators in determining the causes of accidents and the measures needed to correct the causes.

Section 91.609 of the FAR currently provides relief to holders of air carrier or commercial operator certificates to operate their aircraft under certain conditions with the FR and/or CVR removed or inoperative. Amendment 91-204 did not provide similar relief to part 91 operators. Consequently, strict compliance with § 91.609 would have compelled these part 91 operators to land immediately upon an FR or CVR becoming inoperative. Additionally, § 91.609, as written, would have prevented operators from ferrying an aircraft to a location where the equipment could be repaired or replaced, from conducting an airworthiness flight check, or from ferrying a newly acquired aircraft for the purpose of having an FR or CVR installed.

On September 27, 1989, the National Business Aircraft Association (NBAA) petitioned for an exemption from §§ 91.609 (c) and (d)(2) (formerly §§ 91.35 (c) and (d)(2)) of the FAR to permit its members, under certain conditions, to operate under the provisions of § 91.609(a) (formerly § 91.35(a)). The petition requested that NBAA members be permitted to operate those U.S.-registered multiengine turbine-powered civil airplanes and rotorcraft that are required to have FR's and CVR's while the aircraft's FR and/

or CVR is removed temporarily for inspection, repair, modification, or replacement. Additionally, NBAA requested that its members be permitted to operate their aircraft for a period of not more than 120 days after the FR and/or CVR is initially removed from the aircraft for repair. Approximately 260 comments supporting the petition were received in response to the Federal Register publication of the summary of the petition. No comments opposing the petition were received.

On January 23, 1990, Gulfstream Aerospace Corporation petitioned the FAA to amend the requirements of § 91.609. The petition requested that, subject to certain conditions, operators that do not hold an air carrier or commercial operator certificate be allowed to operate under the provisions of § 91.609(a) with an FR and/or CVR temporarily removed for inspection, repair, modification, or replacement.

The FAA determined that this issue should be resolved with a rule change. Consequently, on October 4, 1991, the FAA issued an interim rule on FR's and CVR's (56 FR 51618, October 11, 1991) that provides similar relief to part 91 operators as is already provided to holders of air carrier and commercial operator certificates. This interim rule provides additional relief to allow part 91 operators to operate for 15 days with the FR and/or CVR inoperative or removed for repair. The interim rule expires on April 13, 1992.

## Discussion of Public Comments and the Amendment

Seventeen comments were received in response to the interim rule. Three agree with the change. Eleven commenters favor the interim rule in general, but had comments on portions of it. Two commenters did not state agreement or disagreement, but only provided comments. One commenter states that it has no comment to offer.

## Comment

Six commenters indicate that the time given for repair or replacement (15 days plus 15 days) is inadequate. Two commenters request that additional time be allowed if the repair or replacement cannot be accomplished within the allotted time and the cause of delay is beyond the control of the operator. One commenter recommends 30 days plus 15 days; another recommends 25 working days plus an additional 15 working days. Other commenters do not recommend a specific number of days, but suggest that additional time should be available.



*FAA Response*

In its original petition, the NBAA stated that due to the expense of an FR or CVR (FR = \$25,000 to \$30,000 each; CVR = \$10,000 each), part 91 operators would not be expected to purchase spares in case of failure, and few, if any, maintenance facilities catering to part 91 operators would stock spare units. There is merit in this statement, and the FAA finds that it is appropriate to provide additional relief to part 91 operators to operate for a reasonable period of time with the FR and/or CVR removed for repair. The FAA determined that the 120-day period requested by the NBAA was excessive and could compromise the intent of the rule. In response to the petition, the FAA surveyed manufacturers of FR's and CVR's. The estimates by these manufacturers indicated that 15 days is the average amount of time needed to accomplish most repairs or to insure the availability of a replacement unit. The FAA conducted a follow-on survey in January, 1992 and the manufacturers estimates had not changed.

The interim rule allows an operator to operate an aircraft for not more than 15 days with the FR or CVR inoperative. This change also permits aircraft to be operated for an additional 15 days (for a total of 30 days) provided that certification is made in the aircraft maintenance records that additional time is required to complete repairs or obtain a replacement unit. At no time may the aircraft be operated for more than 30 days with the FR or CVR inoperative. The FAA has determined that providing additional time, with or without limits, could compromise the intent of the rule. Most repairs of FR's or CVR's can be completed within 15 days. In the event of unforeseen problems, an extra 15 days is provided. If extraordinary conditions exist, and the FR or CVR cannot be repaired within 30 days, a replacement unit can normally be obtained within 30 days. Consequently, this relief remains unchanged in the final rule.

*Comment*

Six commenters, including the NBAA, state that the words "and removed for repair" should be added after the word "inoperative" in § 91.609(b)(5)(i). Accordingly, this change would permit part 91 operators that do not hold an air carrier or commercial operator certificate to operate an aircraft with an inoperative FR and/or CVR for 15 days.

*FAA Response*

The FAA agrees. The intent of the rule was to include aircraft from which the

FR and/or CVR is inoperative or removed for repair. The final rule reflects this change.

*Comment*

One commenter states that the preamble to the interim rule uses the term "FR and/or CVR" whereas the final rule states "FR or CVR" and requests clarification.

*FAA Response*

The FAA did not intend to restrict this relief to one or the other component. The final rule has been changed to be consistent with the preamble discussion.

*Comment*

Two commenters, including the NBAA, states that the Minimum Equipment List (MEL) gives them relief for only 3 days with an FR or CVR inoperative. This is inconsistent with the rule and places an extra burden on persons who operate under an MEL. They indicate that the MEL should provide the same relief as the rule.

*FAA Response*

FAR § 91.213 states that when operating under the authorization of an MEL and a letter of authorization issued by the FAA, an operator must conduct all aircraft operations in accordance with the conditions and limitations contained in that MEL and letter of authorization. The letter of authorization permits the operator to use the Master MEL (MMEL) as an MEL. Together, the letter of authorization, the procedures document developed by the operator, and the MMEL, complete with its preamble, constitute a supplemental type certificate for the aircraft. The aircraft must be operated in accordance with the conditions and limitations contained in the MMEL, even when the MMEL is more restrictive than the FAR. In the case of the FR and/or CVR, however, the FAA agrees that relief granted in the MMEL for operations conducted under part 91 should be consistent with the relief permitted in § 91.609. Consequently, the FAA is evaluating a change to the preamble to the MMEL for operations conducted solely under part 91 of the FAR.

*Comment*

One commenter states that the interim rule unfairly penalizes corporate operators that also operate under a part 135 operating certificate, because these operators are not allowed the extra 15 days.

*FAA Response*

The FAA has determined that most holders of air carrier or commercial

operator certificates have greater maintenance capabilities than part 91 operators. Additionally, the level of safety required for operators carrying passengers or property for compensation or hire is much higher. The FAA finds that the requested additional relief is not in the public interest. Accordingly, the FAA has determined that providing additional relief to holders of air carrier or commercial operating certificates is not appropriate.

*Additional Relief*

Although the relief provided by this rule for part 91 operators is not identical to that provided for air carriers and commercial operators, the FAA has had to consider that part 91 operators do not normally have the maintenance, repair, and replacement capabilities that air carriers and commercial operators have. Part 91 operators normally have only one maintenance base, whereas air carriers and commercial operators normally have numerous maintenance bases at which their FR's and CVR's may be repaired or replaced. Air carriers' and commercial operators' maintenance bases normally have a ready supply of spare parts for repairing or replacing FR's and CVR's. Air carriers and commercial operators normally have a larger fleet of aircraft in which the FR's and CVR's can be moved from one aircraft to another. Part 91 operators, however, normally have only one or two aircraft. Without the relief provided by this rule, if an FR or CVR becomes inoperative on a part 91 aircraft, the aircraft could not be operated. The FAA has determined that this grounding is not necessary and that the possible operational and financial burden on these operators is unacceptable. The relief provided for part 91 operators by this amendment is reasonable. The FAA does not anticipate that a large number of aircraft will be flying without a functioning FR and/or CVR at any specified time. Further, and in view of the safety record of multiengine, turbine-powered airplanes, the probability of one of these airplanes being involved in an accident during the allowable period is small.

*Other Changes*

The interim rule allows an operator to operate an aircraft for not more than 15 days with the FR and/or CVR inoperative. The change also permits aircraft to be operated for an additional 15 days (for a total of 30 days) provided that certification is made in the aircraft maintenance records that additional time is required to complete repairs or obtain a replacement unit. This



certification, as stated in the interim rule, must be made by a certificated pilot or mechanic. The FAA has re-evaluated the wording of the interim rule and determined that allowing this certification to be made only by a certificated pilot or mechanic was overly restrictive. For example, it did not allow certificated repair stations to make the certification in the maintenance records to return the aircraft to service with an FR and/or CVR inoperative or removed for repair. Consequently, in this final rule, the word "mechanic" has been changed to "certificated person authorized to return an aircraft to service under § 43.7 of this chapter."

#### Benefit/Cost Comparison

Executive Order 12291, dated February 17, 1981, directs Federal Agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society for each proposed change outweigh potential costs. Accordingly, the FAA has examined the benefits of this final rule in an effort to identify and quantify benefits and costs. As a result of that examination, the agency has determined that the benefits of this rule are positive, but minimal, and that the costs are negligible.

The major benefit of this final rule is that part 91 operators will not be required to land immediately upon the loss of an FR or CVR, nor will they be prevented from ferrying an aircraft to a location where such equipment can be repaired or installed. As indicated above, the operational and financial burden of being prevented from operating due to the lack of a functioning FR or CVR is unduly burdensome for part 91 operators. As a practical matter, it is reasonable to provide time to repair or replace malfunctioning equipment. Based on information provided by manufacturers and repair facilities, this rule provides sufficient time for equipment to be repaired or replaced in the time provided in virtually all cases. Providing a longer amount of time (such as the 120 days requested in the original petition), could unnecessarily result in the loss of vital safety information in the event of an accident, cannot be justified economically, and is contrary to the underlying purpose of these devices. Furthermore, since the FAA routinely authorizes aircraft to be ferried with an inoperative FR or CVR, another benefit of this amendment is to relieve part 91 operators from having to request individual ferry permits. Therefore, the FAA has determined this final rule will result in a positive but minimal benefit.

With respect to costs, there is a requirement that a placard be located in view of the pilot whenever an FR or CVR is temporarily inoperative or removed for repair. The placard will state that the equipment is not installed or is inoperative. The estimated cost of such a placard is \$25. This cost is considered negligible when compared to the savings realized by temporarily permitting further flights while the equipment is removed or inoperative.

Another potential cost is that, in the event of an accident, an inoperative FR or CVR would not be available to provide information to assist in determining the cause of the accident. However, the FAA estimates that few aircraft will be flying at any specific time without a functioning FR or CVR. Furthermore, the probability of one of these aircraft being involved in an accident during the allowable time is extremely small. Accordingly, the potential cost is estimated to be negligible and acceptable to the FAA. Also, since most flights that are affected by this final rule could fly under a ferry permit in the absence of this rule, the incremental cost of allowing flights without a ferry permit is even less.

The FAA has determined that this final rule is cost-beneficial, but because both benefits and costs are found to be minimal, a regulatory evaluation was not prepared for placement in the docket.

#### International Trade Impact Analysis

The FAA finds that the negligible costs that may be imposed by this final rule will not have an impact on international trade, since it would be applicable to all airplanes operating under part 91.

#### Regulatory Flexibility Act Determination

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) (RFA) was enacted to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule has a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. FAA Order 2100.14A, "Regulatory Flexibility Criteria and Guidance," establishes threshold cost values and small entity size standards for complying with RFA review requirements in FAA rulemaking actions.

The small entities that could be affected by this rule are part 91 operators with nine or fewer aircraft. An operator with nine aircraft each with the FR or CVR out for repair would be

required to buy a total of nine placards at \$25 each for a total cost of \$225. This cost is well below the \$3300 threshold cost for unscheduled aircraft operators shown in FAA Order 2100.14A. Therefore, the FAA has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that a Regulatory Flexibility Analysis is not required.

#### Federalism Implications

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

#### Paperwork Reduction Act

There are no requirements for information collection associated with this rule.

#### Conclusion

This final rule replaces the interim rule that expires April 13, 1992. The public has been given an opportunity to comment on the interim rule, and a review of the comments received indicated that the public favors the rule as written. The FAA has determined that it is in the public interest to continue the relief provided by the interim rule without interruption. Accordingly, the FAA has determined that good cause exists for making this final rule effective in fewer than 30 days.

For the reasons discussed in the preamble, the FAA has determined that this final rule is not major under Executive Order 12291. However, it is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) due to substantial public interest. I certify that under the criteria of the Regulatory Flexibility Act this amendment will not have a significant economic impact, positive or negative, on a substantial number of small entities.

#### List of Subjects in 14 CFR Part 91

Aircraft, Aviation safety, Safety.

#### The Amendment

In consideration of the foregoing, 14 CFR part 91 of the Federal Aviation Regulations is amended as follows:



**PART 91—GENERAL OPERATING AND FLIGHT RULES**

1. The authority citation for part 91 continues to read as follows:

**Authority:** 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502 1510, 1522, and 2121 through 2125; 49 U.S.C. App. 2157, 2158; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g).

2. Section 91.609 is amended by adding a new paragraph (b) to read as follows:

**§ 91.609 Flight recorders and cockpit voice recorders.**

\* \* \* \* \*

(b) Notwithstanding paragraphs (c) and (e) of this section, an operator other than the holder of an air carrier or a commercial operator certificate may—

(1) Ferry an aircraft with an inoperative flight recorder or cockpit voice recorder from a place where repair or replacement cannot be made to a place where they can be made;

(2) Continue a flight as originally planned if the flight recorder or cockpit voice recorder becomes inoperative after the aircraft has taken off;

(3) Conduct an airworthiness flight test during which the flight recorder or cockpit voice recorder is turned off to test it or to test any communications or electrical equipment installed in the aircraft;

(4) Ferry a newly acquired aircraft from a place where possession of it was taken to a place where the flight recorder or cockpit voice recorder is to be installed; or

(5) Operate an aircraft:

(i) For not more than 15 days while the flight recorder and/or cockpit voice recorder is inoperative and/or removed

for repair provided that the aircraft maintenance records contain an entry that indicates the date of failure, and a placard is located in view of the pilot to show that the flight recorder or cockpit voice recorder is inoperative.

(ii) For not more than an additional 15 days, provided that the requirements in paragraph (b)(5)(i) are met and that a certificated pilot, or a certificated person authorized to return an aircraft to service under § 43.7 of this chapter, certifies in the aircraft maintenance records that additional time is required to complete repairs or obtain a replacement unit.

\* \* \* \* \*

Issued in Washington, DC, on April 22, 1992.

**Barry Lambert Harris,**

*Acting Administrator.*

[FR Doc. 92-9961 Filed 5-4-92; 8:45 am]

BILLING CODE 4910-13-M







# Testament Great Federal Register

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Tuesday  
May 5, 1992

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## Part V

### The President

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Proclamation 6426—National Amyotrophic Lateral Sclerosis Awareness Month, 1992

Proclamation 6427—Law and Order in the City and County of Los Angeles, and Other Districts of California

Executive Order 12804—Providing for the Restoration of Law and Order in the City and County of Los Angeles, and Other Districts of California



Tuesday  
May 2, 1900

Part V

## The President

Proclamation 6125—National Anniversary  
of the Birth of George Washington, March 22, 1899

Proclamation 6127—Law and Order in the  
City and County of Los Angeles, and  
Other Districts of California

Executive Order 12801—Providing for the  
Restoration of Law and Order in the City  
and County of Los Angeles, and Other  
Districts of California



# Presidential Documents

Title 3—

The President

Proclamation 6426 of May 1, 1992

**National Amyotrophic Lateral Sclerosis Awareness Month, 1992**

By the President of the United States of America

**A Proclamation**

Just over 50 years ago, Americans watched in helpless anguish as one of our Nation's most beloved sports heroes died slowly and painfully of amyotrophic lateral sclerosis (ALS), an insidious, progressive disease that gradually destroys the body's nerves and muscles. Although ALS was discovered as early as 1869, the death of baseball legend Lou Gehrig was the first to generate widespread public awareness of this fatal ailment. To this day, amyotrophic lateral sclerosis is often referred to simply as "Lou Gehrig's disease."

Like the acclaimed "Iron Horse," whose outstanding career as a first baseman was cut short before the age of 37, most ALS sufferers initially experience weakness in the hands or legs as muscles waste away. Most people with the disease are likewise struck in the prime of life. ALS eventually affects the muscles that control vital functions such as respiration and swallowing, usually resulting in death within 2 to 5 years. ALS does not, however, affect the mind—its victims remain alert and mentally unimpaired.

Both an identifiable cause and a cure for ALS remain elusive. Currently, care is aimed at assisting people with ALS through the use of wheelchairs, respirators, and feeding tubes, particularly among those who outlive the average life expectancy. Because at least 5,000 people will be diagnosed with ALS this year, and because more than 300,000 people who are alive today will eventually die from the disease, rigorous scientific research on ALS continues. Scientists supported by the Federal Government's National Institute of Neurological Disorders and Stroke (NINDS) are searching for clues to the cause of ALS, as well as for more effective ways of treating the disease. Researchers hope to discover one day a means of curing or preventing ALS altogether.

Recent progress has been heartening: NINDS-supported investigators recently discovered that a gene responsible for a familial form of ALS lies somewhere on chromosome 21; still other researchers are studying chemicals known as nerve growth factors in order to learn more about the role that they play in this complex disease.

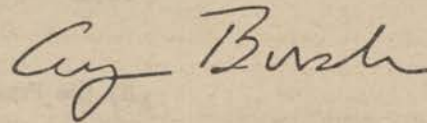
A number of private, voluntary health agencies across the country join the NINDS in supporting ALS research. In addition to promoting the work of physicians and scientists who are studying the disease, these organizations also provide a variety of services to ALS patients and their families. On this occasion, we gratefully salute all those men and women who are working to overcome ALS, and we applaud the courage and cooperation of those patients who are coping with this mysterious and painful disease.

The Congress, by Senate Joint Resolution 174, has designated May 1992 as "National Amyotrophic Lateral Sclerosis Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.



NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 1992 as National Amyotrophic Lateral Sclerosis Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc. 92-10665

Filed 5-4-92; 11:17 am]

Billing code 3195-01-M



## Presidential Documents

Proclamation 6427 of May 1, 1992

### Law and Order in the City and County of Los Angeles, and Other Districts of California

By the President of the United States of America

#### A Proclamation

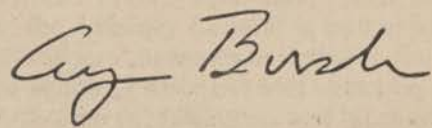
WHEREAS, I have been informed by the Governor of California that conditions of domestic violence and disorder exist in and about the City and County of Los Angeles, and other districts of California, endangering life and property and obstructing execution of the laws, and that the available law enforcement resources, including the National Guard, are unable to suppress such acts of violence and to restore law and order;

WHEREAS, such domestic violence and disorder are also obstructing the execution of the laws of the United States, in the affected area; and

WHEREAS, the Governor of California has requested Federal assistance in suppressing the violence and restoring law and order in the affected area.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence and disorder to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc. 92-10666

Filed 5-4-92; 11:18 am]

Billing code 3195-01-M







## Presidential Documents

Executive Order 12804 of May 1, 1992

### Providing for the Restoration of Law and Order in the City and County of Los Angeles, and Other Districts of California

WHEREAS, I have today issued Proclamation No. 6427; and

WHEREAS, the conditions of domestic violence and disorder described therein continue, and the persons engaging in such acts of violence have not dispersed;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces by the Constitution and the laws of the United States, including Chapter 15 of Title 10 of the United States Code, it is hereby ordered as follows:

**Section 1.** Units and members of the Armed Forces of the United States and Federal law enforcement officers will be used to suppress the violence described in the proclamation and to restore law and order in and about the City and County of Los Angeles, and other districts of California.

**Sec. 2.** The Secretary of Defense is authorized to use such of the Armed Forces as may be necessary to carry out the provisions of section 1. To that end, he is authorized to call into the active military service of the United States units or members of the National Guard, as authorized by law, to serve in an active duty status for an indefinite period and until relieved by appropriate orders. Units or members may be relieved subject to recall at the discretion of the Secretary of Defense.

In carrying out the provisions of this order, the Secretary of Defense shall observe such law enforcement policies as the Attorney General may determine.

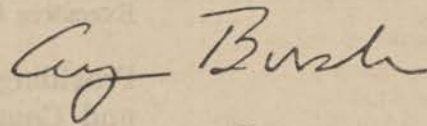
**Sec. 3.** Until such time as the Armed Forces shall have been withdrawn pursuant to section 4 of this order, the Attorney General is further authorized (1) to coordinate the activities of all Federal agencies assisting in the suppression of violence and in the administration of justice in and about the City and County of Los Angeles, and other districts of California, and (2) to coordinate the activities of all such agencies with those of State and local agencies similarly engaged.

**Sec. 4.** The Secretary of Defense is authorized to determine when Federal military forces shall be withdrawn from the disturbance area and when National Guard units and members called into the active military service of the United States in accordance with section 2 of this order shall be released from such active service. Such determination shall be made in the light of the Attorney General's recommendations as to the ability of State and local authorities to resume full responsibility for the maintenance of law and order in the affected area.

**Sec. 5.** The Secretary of Defense and the Attorney General are authorized to delegate to subordinate officials of their respective Departments any of the authority conferred upon them by this order.



Sec. 6. Nothing contained in this order shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies or instrumentalities, its officers, or its employees.



THE WHITE HOUSE,

May 1, 1992.

[FR Doc. 92-10667

Filed 5-4-92; 11:18 am]

Billing code 3195-01-M



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Federal Register

Vol. 57, No. 87

Tuesday, May 5, 1992

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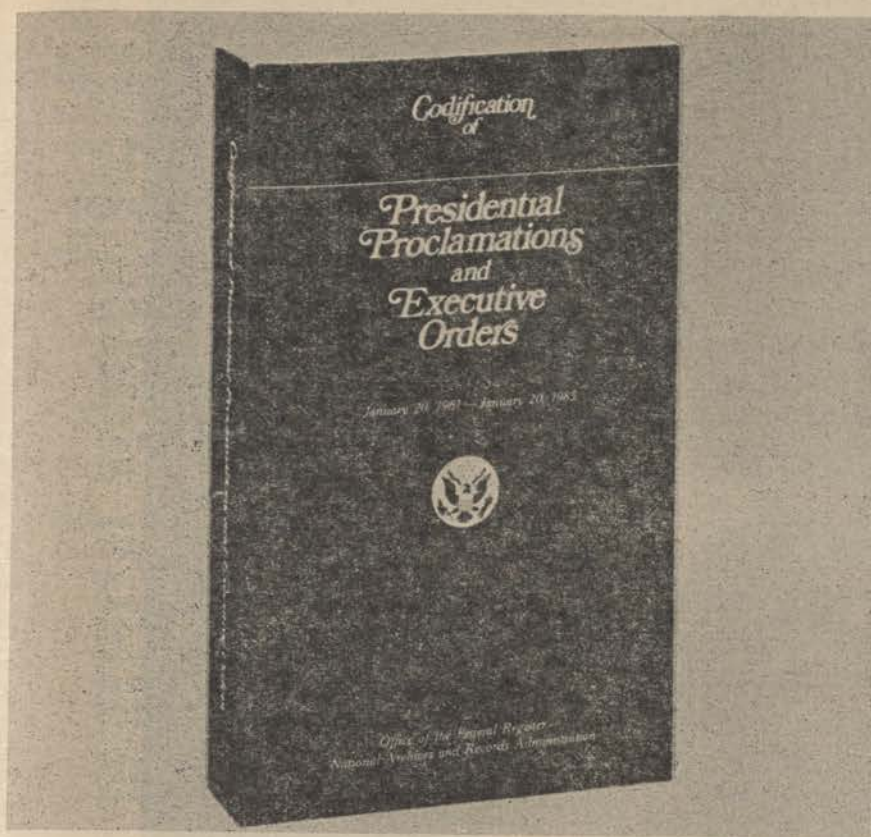
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### PROGRESS OF THE

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FOR THE YEAR

1880

IN

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